1995	3rd Party Auto	$232,850	Plf was a 22-year-old, single female with a life expectancy of 48 years. She had three fractures of the right foot which did not involve a joint and required no surgical repair. She was likely to experience traumatic osteoarthritis and had limited athletic activity. Plf and Def were both nice people. Plf had strong referral physician testimony and an accident reconstruction expert. Def's only expert was an IME. Damages were allocated $31,250 to past damages and $4,200 per year for 48 years in future damages.
1995	3rd Party Auto	$272,500	Plf was a 49-year-old single female with a life expectancy of 24 years. She experienced mechanical low back pain, the treatment for which lead her to become addicted to painkilling narcotics. She had no surgery and was a hard worker. Her referral physicians appeared to inappropriately attack her for narcotic addiction which was largely their fault. She had strong vocational rehabilitation testimony and good basic treating physician testimony. Plf's damages were allocated $175,500 to future wage loss, $22, 980 to past noneconomic loss and $220,800 to future noneconomic loss. The award was reduced by 35% comparative fault.
1995	3rd Party Auto	No cause	Plf was a 33-year-old single mother suing two Defs for separate rear end collisions. She had experienced a C-5/6 fusion. First driver had tendered $20,000 policy limits and the second driver had no meaningful liability. The jury found no proximate cause as to either Def and rejected an apparently "frivolous" lifestyle.
1996	3rd Party Auto	$210,000	Plf was a 71-year-old married good samaritan who came to the aid of two persons in an automobile which had crashed into an electric utility pole. The driver's brother was killed by electrocution when he attempted to extricate the driver from the car. Plf was sufficiently close to the car to receive burn injuries that required a 3-day hospitalization but no medical care and no apparent residual damage other than her inability to do complex crafts. Plf did not testify but had substantial lay damage testimony. The Def unsuccessfully attempted to shift responsibility to the utility company.
1996	3rd Party Auto	$35,000	Plf was an elderly single female who was rear ended. She had experienced prior neck injuries in two other automobile accidents for which she had no fault and was on social security disability for neck injuries at the time of this occurrence. All State defended and rejected a $5,000 mediation and $3,500 settlement offer.
1996	Medical Malpractice	No cause	Plf was a 52-year-old male with pre-existing arm pain and decreased grip strength. His shoulder surgery resulted in a resolution of his pain but a substantial loss in the use of his dominant hand. The experts for both parties were acceptable but Def won the case as a outstanding witness.

1996	Medical Malpractice	$665,000	Plf was a 37-year-old married female who sued for gynecological malpractice. During a total abdominal hysterectomy, the Def nicked her bowel. Plf subsequently underwent three additional surgeries and five hospitalizations. An RN at Munson, she was discharged in 1995 with a subsequent loss of income. Plf had a 43 year life expectancy. The Def's expert made a poor presentation and the Plf's attorney was described by the trial judge as a "teacher" not a "preacher." The jury verdict was allocated $50,000 to past economic damages and $200,000 for past pain and suffering. Future economic damages equaled $200,000 at $12,500 per year. Future pain and suffering was awarded in amounts that began at $20,000 and declined to $2,000 in the year 2006. Final component of damages involved the husband's loss of consortium claim. He received $75,000 for past damages and $15,000 for future damages.
1996	Medical Malpractice	No cause	Plf was an elderly single female who underwent a sigmoid colectomy. Upon her recovery from the surgery, she was unable to use her left leg due to a damaged femoral nerve. There was a substantial anatomical dispute regarding the operative field. The Defs won with an impressive audiovisual presentation including a recreation of the surgery.
1997	3rd Party Auto	$100,000	Plf was 40-year-old married woman who was struck by the Def after he ran a stop sign. She was going approximately 55 mph at impact. Following 18 months of conservative care, she received a L5/S1 fusion and ongoing counseling and medications for depression. She also had related soft tissue complaints. Although liability was clear, the attorney for All State did not admit it until after the trial began. The Def offered nothing to settle this case and the verdict equaled the mediation of $100,000. The verdict was allocated $90,000 to the Plf's damages and $10,000 to the consortium claim.
1997	3rd Party Auto	No cause	Plf was a single woman who experienced a rear end collision on a day in December. A sudden emergency defense was presented. Her injuries included cervical strain and aggravation from a prior automobile accident. No surgery had been performed or was contemplated. Plf was not a compelling witness and wore a cervical collar during the trial which had not been prescribed for her. No negligence was found.
1997	3rd Party Auto	No cause	Plf was a single woman alleging soft tissue injuries of her neck and shoulders. The collision occurred in white out conditions on icy roads. A sudden emergency defense was presented and accepted.
1997	Real estate fraud Consumers Protection Act	$25,000 actual damages, $20,000 exemplary damages and $34,339 for attorneys' fees and costs	This was a real estate fraud claim in which the seller and the seller's agent failed to disclose known residential building code violations in the sale of a modest home. Plf made a complete monetary recovery including all attorneys' fees and expenses.

1997	Recreational User Act	No cause	Plf was a single male, age 33. He was driving a snowmobile across private land when he hit a snow wall formed by the excavation of a utility pole. His injuries included an L1 burst fracture which was repaired with a rod. While a surveillance video indicated that Plf may have overstated his current disability, he simply could not cross the gross negligence hurdle.
1997	3rd Party Auto	$3,500 for Plf, $1,000 for spouse	Plfs were 53-year-old downstate teachers who own a cottage in Grand Traverse County. A collision caused their vehicle to roll over. Both were belted and there was no hospitalization, fractures, surgery or cuts. The Plf's principal complaint was cervical strain with associated loss of sleep and fatigue. Although a high school golf coach, the jury did not seem to be impressed with his desire to be compensated for the increase in his handicap.
1997	Products liability	$89,584	This case involved the destruction of Plfs' home by fire after a defective LP gas valve was installed. A co-Def paid $90,000 just before trial and this verdict was 75% attributable to the remaining Def. Plfs' principal experts were those originally retained by the settling co-Def. A companion Consumer Protection Act claim was no caused. Plfs' counsel had an impressive visual presentation.
1997	3rd Party Auto	$50,000	Plf was a 22-year-old single female with a 58-year life expectancy. Negligence was admitted and the threshold was contested. Plf's injuries included low back strain without surgery. She was unable to stand fully erect for three months following the accident. Her first party benefits (All State) were terminated on an IME which found Plf honest and not exaggerating. Defs' offer at the final conference was $7,500. Policy limits were tendered at the conclusion of Plf's closing arguments.
1997	3rd Party Auto	No cause	The jury had no difficulty finding the Def negligent for passing two cars in a white out and striking Plf who was making a signaled left turn. Plf was a 47-year-old single male. He had not experienced surgery, but his medical suggested that he needed a L5/S1 fusion and laminectomy. He was a former semi-pro hockey player who had hunted and played hockey since the accident. The jury found no serious impairment.
1997	3rd Party Auto	$48,375	Plf was a 13-year-old in a car driven by his older brother and owned by his father. Negligence was admitted. Plf's injury was related to the seat belt and required the removal of eight inches of small intestine. A later surgery was required to remove adhesions. Plf also claimed a closed head injury which the jury rejected. The award was for the two abdominal surgeries.
1997	3rd Party Auto	No cause	Plf was a 54-year-old married woman who was involved in an automobile collision on icy roads. The Def ran a stop sign when he could not control his vehicle. He was found negligent, but the jury found no serious impairment for soft tissue injuries of the back which had been treated with physical therapy and a tens unit.

1998	3rd Party Auto	No cause	Plf was a 68-year-old woman who had just completed a vaginal prolapse surgery. She was rear ended by the Defs who admitted negligence. As a consequence of the accident, she was forced to have her vaginal surgery repeated. The surgery did not prevent her from completing a winter trip to Florida. The jury found no serious impairment.
1998	Medical Malpractice	$875,000	This was an obstetrical malpractice claim brought by the mother. The injured child's claim is yet to be filed. Mother was in active labor when a spinal narcotic was injected. Two administrations caused her pain and paresthesia. The result was Reflex Sympathetic Dystrophy and a permanent nerve injury to the right foot. Plf has had multiple nerve blocks and still experiences substantial pain. Both sides had competent experts. The Def physician was not an impressive witness. The sting of this verdict was significantly lessened by a high/low agreement reached while the jury was deliberating.
1998	Medical Malpractice	$1.5 million	Plf was the estate of a stillborn child. Her mother was a 37-year-old single female with six prior pregnancies including three elective abortions and one miscarriage. These factors made her a known risk for pre-term labor. The claim was a failure to timely diagnose chorioamnioitis and perform a cesarean section. The dispute was over the timing of the diagnosis and the vaginal delivery. A note authored by the attending physician at the time of delivery suggested an effort to misdirect the mother into believing the child had been dead for 24 hours. Her mother was in attendance, was a nurse and was aware of an ultrasound earlier in the day that indicated the child was alive. Despite poor testimony by this particular physician, Plf's $250,000 demand was never negotiated and the physicians never offered anything in settlement of this case. The verdict was reduced due to the tort reform caps and Plf settled for the full amount of the cap together with interest, taxable costs and mediation sanctions.
1998	Dog Bite	$7,500	This is a case of admitted liability with slight visible scarring on a 30-year-old married woman. The initial wound required 50 to 60 stitches to close.
1998	Premises Liability	No cause	Plf was a 29-year-old married woman who claimed to have slipped on slush in February outside of Wal-Mart. Her complaints were of chronic mechanical back pain. She was a heavy woman who had one prior suit for back injuries from a motor vehicle accident. The Def denied the existence of slush and offered evidence of its parking lot maintenance. No offer was ever made.
1998	Premises Liability	No cause	Plf was a nice older lady who slipped on a grape at Meijers. She complained of back pain. This case was over tried. The Def was called "a corporate monster."

1998	Medical Malpractice	$292,100	Plf was a married 49-year-old semi-retired funeral director. A lipoma was removed from his neck to diagnosis a possible cancer risk. In the process, the greater oricular nerve was cut. It caused a limited sensory loss to his lower face. Plf pronounced this paresthesia to be more evident in cold weather. Plf now lives in Florida. Both parties had strong expert testimony. Plf accepted and Def rejected a $35,000 mediation and offered nothing through trial.
1999	Premise Liability	$41,250	Plf was a likeable male retained to paint the Def's cottage. He opened a well house door and fell into a 7 foot well pit. He complained of back pain, although a subsequent video of him bowling held down damages. The case was defended on an open and obvious theory. Both parties rejected a $9,000 mediation. Plf demanded $300,000 at trial and the Def offered $2,500. The gross verdict was $75,000 reduced to $41,250 due to Plf's comparative fault.
1999	1st Party No Fault	$50,000	This was a first party wage loss and replacement service claim complicated by the Plf's self employment. The Plf had a litany of pre-existing medical injuries. However, he was working at the time of his automobile collision. Given the seriousness of the accident, the jury had little difficulty finding a compensable work loss due to the accident. Neither the Plf nor the Def presented a thorough analysis of Plf's work loss and Plf ultimately accepted a reduced award calculated by the Court. This case was unusual in that the Def's IME and CPA made Plf's case for him.
1999	3rd Party Auto	No cause	Plf's herniated disc was verified by MRI. The Def admitted liability for a rear end collision at 10-15 m.p.h. Plf did have pre-existing neck complaints which he concealed. Yet, the Def was not credible on other points. The case mediated for $90,000. Plf demanded $70,000 prior to trial and Def offered $50,000. The predictable offer to compromise at $60,000 was rejected by both parties. No serious impairment was found.
1999	3rd Party Auto	No cause	Plf was a nice man who was involved in an auto accident when the Def pulled in front of him on a busy highway. His injuries were described as a "stiff neck" from which he lost no work. He "slowed" down. All State defended and offered nothing. No negligence was found.
1999	3rd Party Auto	$62,000 for wife and $40,000 for husband	In this case, Plfs settled with the most culpable driver in a two-car accident. Liability was thin with respect to the remaining Defs but each Plf had serious foot injuries. Nothing was offered. Defense counsel was chastised in the jury's presence for violating a stipulated order not to disclose the first lawsuit and the settlement. The jury attributed 25% of the fault to the second car and 75% to the first driver. Plfs' noneconomic loss was $62,000 for the wife and $40,000 for the husband.

1999	3rd Party Auto	No cause	Plf was a married female aged 41 who was a passenger in a vehicle struck by the Def. The Def admitted fault but denied serious impairment. Plf's injuries were soft tissue including a diagnosis of fibromyalgia and chronic neck and shoulder pain. She was a good witness, not a complainer and worked despite pain. She had strong support from her treating physicians. Def experienced a closed head injury and will be in adult foster care for the rest of his life. The jury found no serious impairment.
1999	3rd Party Auto/ Defective Product	$1,000,000	Plf was a young woman significantly and permanently injured in a roll over automobile accident. Her mother owned the car and had a defective tire repaired by the Def after another tire company refused to do so. Mom experienced obvious problems steering the vehicle after the repairs but sought no further replacement or repair for more than two weeks. The mother then loaned the car to her daughter to drive on the expressway without any warning of the steering problem. At freeway speeds, the car rolled with the resultant injuries. The jury found total economic and noneconomic loss to equal $1,000,000. Fault was attributed 35% to Def tire company and 65% to Plf's mother. Economic and noneconomic damages were not separated by agreement of counsel and the verdict was received on a short form. Plf had a very good tire expert and the Def's was weak. The case mediated at $300,000 to Def and $90,000 to mom. Plf and mom accepted and Def rejected. Mediation sanctions were awarded.
2000	3rd Party Auto	No cause	Plf was a 35-year-old female who claimed a mild traumatic brain injury and left hip pain. Liability was clear but not admitted. Plf had strong treating medical testimony but also had a substantial prior history of drug abuse and limited employment. Due to the nature of her injury or for strategic reasons, Plf neither testified nor attended the trial. Her daughter substituted for her, rather poorly, as a lay damage witness. The Court directed a verdict for Plf on negligence and comparative fault. The jury quickly found no serious impairment.
2000	Commercial	$9,046,484	While this is not a personal injury case, it did involve a substantial issue associated with oil and gas leases and a claimed breach of lease for the failure to drill on Plfs' property. Essentially, Plfs claimed that the Def was drilling all around Plfs' property and removing minerals without paying Plfs for the diminution of minerals from a common pool under their property. The case could have settled for $800,000 but the Def never offered more than $500,000.

2000	3rd Party Auto	$280,000 for wife and $95,000 for husband	Plf and her husband were walking on a sidewalk adjacent to a guardrail as they crossed the Glen Lake Narrows Bridge when the Def's boat and trailer uncoupled from his vehicle and struck Plf. At the time of her injury she was 68 and experienced four pelvic fractures. Treatment involved 19 days in the hospital, two months in a wheelchair and two months with a walker. She also had an 8-inch tunnel wound in her thigh that had to be repacked daily for four months before it was later closed by two surgeries. She had a long recovery and was nursed in the later half of it by her husband. The injury and serious impairment were admitted. The Court directed a verdict on proximate causation due to the Def's admissions on the witness stand. The issues were negligence associated with the failure to place safety chains and damages. Plf did not give the jury a specific number but the Def suggested $50,000 for past damages and nothing in the future. Plf had a 20-year life expectancy. The case mediated for $100,000 and could have settled during trial for $125,000 on $250,000 limits. The Plf was awarded $280,000 and her husband received $95,000 on his loss of consortium claim. The short form verdict was used and future damages were not reduced to present value. The over limits verdict lead a collectable Def to experience a panic attack in Court and he ultimately left the building in an ambulance. The case was later settled for a confidential sum in excess of policy limits.
2000	Premises liability	$390,000	Plf wife was injured when a 75 pound box of shelving fell on her while a K-Mart employee was helping her load her car. Liability was strong but not admitted. Pre-injury, Plf had been very active. She was a runner and held down two jobs, including her own daycare and she worked at H & R Block. In the absence of surgery, the case mediated for $15, 000. Subsequent to mediation and prior to trial, a fusion and discectomy were performed. Following the surgery, the Def's offer remained at $15,000 and Plf would have settled for $115,000. The Plf wife was awarded $65,000 for past economic damages including medical expenses. She was awarded an additional $75,000 for future medical and $140,000 for future economic loss. The jury awarded $45,000 to her for past noneconomic loss and $45,000 for future noneconomic loss. The Plf husband was awarded $20,000 on his loss of consortium claim. A short form verdict was used and no damages were reduced to present value.

2000	Premises Liability	$1,258,000	Plf was a single male, aged 42, who was a construction worker engaged in the reconstruction of the local Osteopathic Hospital into Munson Community Health Center. During the winter, he slipped and fell on outside stairs leading into the building. The Defs' foreman was his father. Each testified that the stairs were regularly used for access into the trade entrance and that the stairs had not been shoveled that morning nor were they barricaded. The Def claimed that the stairs were barricaded by a bicycle rack, surrounded by police tape and were not to be used. A shoveled walkway was available to the trades that lead into their entrance. The Plf had two pre-existing back surgeries but continued to work for several months following his fall and did not see a doctor until a back spasm caused him to collapse in his bathtub. He is now permanently and totally disabled. The verdict was reduced by the Plf's 34% comparative fault and that of the nonparty employer at 15%. The damage award was $629,000 for noneconomic damages and $629,000 for economic loss. A short verdict form was used and no future damages were reduced to present value. The verdict was returned after 7½ hours of deliberation. The judgment net of collateral source offsets and comparative fault and including interest and mediation sanctions equaled $650,646.
2001	Medical Malpractice	No cause	Plf was a 74-year-old female who was referred to the Def by her physician for a colonoscopy to diagnose abdominal pain and screen for cancer. As a result of the procedure, there was a micro perforation of her bowel which ultimately developed into a colovaginal fistula. The repair required two hospitalizations, the first for the drainage of an abscess and the second for a surgical repair. The issues articulated by the Plf were a lack of informed consent, a "rushed" procedure with the wrong-sized instrument and the quality of follow-up care. Plf's standard of care expert only addressed the size of the instrument and the failure to terminate the exam. The procedure was acknowledged to be complicated due to the Plf's prior hysterectomy and existing diverticular disease. Due to the uncontested testimony at trial, a verdict was directed for the Def on the "rushed" procedure and the lack of proximate cause with respect to the follow up care. The jury returned a verdict for the Def on the remaining issues after 1½ hours of deliberation.
2001	3rd Party Auto	$20,000	Plf was a single female injured in an automobile accident. Liability was clear but not admitted. The Plf lost her spleen but made a full recovery and showed no long-term residual effects. At the time of trial, she had not seen a physician for three years. The Plf did not make a good impression, had a poor relationship with her parents and had told her therapist she wanted to cut out the Def's spleen. The $20,000 verdict was reduced by the 30% fault assessed to the non-party MDOT.

2001	Dog bite	No cause at 1st trial $24,500 at 2nd trial	Plf was a four-year-old child who had been bitten in the face by a chow mix breed owned by the child's aunt while she was visiting in the aunt's home. There was an evident family schism that had developed over the incident. In excess of 40 stitches were required to repair the child's face with residual, modest scarring. Perhaps due to the intra-family dispute or for other unarticulated reasons, the jury found that the child was not bitten by a dog owned by the Def. A motion for new trial was granted. The case was mediated for $75,000. At the settlement conference, Plf offered to take $65,000 and the defense offered $15,000. The Plf was awarded $5,500 for past medical expenses, $9,000 for future medical expenses, $5,000 for past pain and suffering and $5,000 for future noneconomic loss for a total award of $24,500.
2001	3rd Party Auto	No cause	Plf, a 36-year-old single mother of two, was broadsided in an automobile collision. Liability was clear but not admitted. Plf experienced chronic tendinitis in her left hand which was not resolved by outpatient surgery. She was a good witness on her own behalf and her hand surgeon testified live. However, her limitations were not found to meet the serious impairment threshold and the no cause was returned within one hour of deliberations.
2001	Premises Liability	No cause	Plf, a 46-year-old married woman, slipped and fell in a flower shop parking lot. The lot was generally clear and dry but there were several patches of black ice. Her injury was an unresolved hamstring tear. She had strong medical testimony and her principal treater permanently disabled her. The Defs made a much better impression than she and demonstrated that they take good care of their parking lot and that Plf did not see the ice either. While the injury appeared to be serious, liability was thin and Plf appeared to seriously overstate her damages.
2001	Watercraft rental	$300,000	Plf was a 63-year-old married woman who together with her husband, daughter and son-in-law rented a boat to take her grandson tubing on East Bay. She and her husband were without significant prior boating experience and no safety instructions were provided to them with respect to operation of the boat and tying down the tube on the back of the boat. As the parties proceeded out into East Bay, the tube blew off the back of the boat and Plf received a serious ankle injury when the rope connected to it burned into her leg and jerked her half way out of the boat. The claim was for noneconomic loss and loss of consortium. The case mediated for $130,000 and Plf offered to settle for $75,000 at the final settlement conference. The Def never offered more than $50,000. The residual damage was a clearly visible spiral scar on the Plf's ankle and ongoing circulation problems. Of the total verdict, 50% fault was allocated to the Def and the balance of the fault between the Plf and the other adults for lack of proper observation. The jury deliberated for two and one-half hours.

2001	3rd Party Auto	$300,000 for husband and $10,000 for wife	The Plf husband pulled out from a private drive near Bardon's ice cream stand onto Garfield Avenue. The Def was northbound on Garfield and prematurely drove to the left around another stopped vehicle to enter the left turn lane where he collided with the Plf. A police officer and a lay witness both said the accident was the Def's fault. Plf's primary injury was to his wrist. Due to complications associated with its treatment, he had experienced six surgeries, a scar and residual weakness. Plf, a 30-year-old prison guard, made a somewhat harsh appearance but his wife made a very pleasant impression on the jury. The accident reconstruction experts for each side did what they were paid to do and were not thought to have contributed to the outcome. The verdict was reduced by 25% comparative fault.
2001	3rd Party Auto	$35,000	This case was tried on admitted liability and a directed verdict was granted on the issue of serious impairment. Plf was a nice, hard-working, determined single mother who had no comparative fault and was hit by a very nice young man who made a left turn without looking. The injury was an open and comminuted fracture of the tibia and fibula which was resolved with internal fixation by rod. There was a five-day hospitalization and the Plf spent four weeks in bed. Physical therapy followed and ambulation began with a walker. Plf also experienced a rib fracture and a punctured lung and returned to work approximately three and one-half months following the accident. A second surgery to remove the rod saw the Plf lose another six weeks of work. The case was presented to the jury on noneconomic issues only. Plf's final demand before trial was $190,000, and the Def offered $100,000. Plf's total request from the jury was $500,000 and Def suggested $55,000 for past damages only. Plf was a 39-year-old female with a 40-year life expectancy. No future damages were awarded and $35,000 was assessed for past pain and suffering. Deliberations lasted just over two hours.
2001	Wrongful Death Action	$465,000	This case was brought by the surviving widow of a police officer who was murdered in the line of duty. The Def was absent from the trial as he had been previously found guilty of first-degree murder and sentenced to life in prison. He was also not represented by counsel. The Court ruled on liability as a question of law and the sole issue for the jury was damages. The claim was for economic losses associated with a reduced retirement benefit, the decedent's conscious pain and suffering and the loss of consortium by various family members. After the high emotion associated with the criminal trial, the conclusion of this case in a single day seemed to lessen the impact of the loss and resulted in a verdict lower than expected given the circumstances of the decedent's death.

2001	Wrongful Death Action	$625,000	Plf's decedent was killed in a construction accident while working on the Def's new building. He fell 13 feet into the bottom of a brine tank and experienced conscious pain before he died later in the day. He left a wife and a two-year-old son. Plf's life expectancy was agreed to be 54.6 additional years. Plf and Def both retained construction experts. A directed verdict was entered on premises liability and the case went to the jury against the Def owner on theories of retained control and inherently dangerous activity. The jury rejected the theory of retained control and entered a verdict on the claim of inherently dangerous activity. A $500,000 mediation had been rejected by both sides. Fifty percent of the fault was attributed to the decedent's employer, 10% comparative fault to the decedent leaving a 40% finding with respect to the Def. The gross award to Plf against the Def was $200,000 before mediation sanctions. The four-day trial was concluded with two hours of deliberations. The Plf sought $5 million from the jury and the Def did not discuss damages. The highest defense offer was $30,000, and the lowest Plf's demand was $1.8 million. The verdict was ultimately set aside by the trial court in a judgment NOV.
2002	3rd Party Auto	$875,120	This case involved two accidents which occurred at the intersection of Park Drive and South Airport roads on a dark, rainy night. The first accident occurred when Plf turned in front of a van without lights and the van drove him back into the lane of travel facing oncoming traffic. It was agreed that Plf was not injured in this collision. Urged by bystanders to exit his vehicle due to a possible fire, Plf left his car to be hit by the Def in the second collision. Plf lost his right leg below the knee and experienced serious fractures to his left leg. He underwent multiple surgical procedures and a long recovery with associated depression and counseling. The Plf and his wife were good witnesses and his medical condition and damages were not contested. Rather, the Def argued a sudden emergency defense and Plf's comparative fault. Both sides utilized accident reconstruction experts. The gross verdict was $875,120 which was reduced to a present value of $622,655. Plf had received $300,000 in settlement from the first accident. In this case, the Plf sought $425,000 at the final conference and would have settled for $350,000 at the time of trial. The Def never moved from an offer of $200,000. A confidential high/low agreement entered into by the parties while the jury was out somewhat lessened the actual damages paid.

2002	3rd Party Auto	No cause	Plf, a 50-year-old female, was struck at 45-50 mph by the Def whose car had spun out of control. Negligence and an injury were admitted. The issues were damages and serious impairment. The Plf had received no surgery and experienced no fracture. She wore an air cast on her ankle and used a cane for five to six weeks. She returned to full time work within eight weeks. Her most impressive injury was extensive facial bruising which had been photographically recorded and showed that she had received two black eyes and a large lump on her forehead. No closed head injury was claimed. Plf sought $150,000 from the jury on a $50,000 policy and would have taken $35,000 to settle at the final conference. The Def never offered more than $7,500. A $10,000 to $40,000 high/low agreement limited the parties' exposure at trial. Plf was a good witness on her own behalf and her medical was unopposed. The no cause was returned within one hour.
2002	3rd Party Auto	No cause	This case involved an intersection collision on M-72 at US 31 in Acme. The Def was in the intersection waiting to turn left onto M-72 westbound. The light turned red and the Def started her turn. Plf ran the red light and collided with the Def. Plf denied the light was red but witnesses supported the Def. Plf claimed $500,000 of excess wage loss but had applied for Social Security disability effective three weeks before the accident. Plf also had substantial pre-existing physical and mental problems. This case was tried on no offer from the defense.
2002	Premises Liability	No cause	The Plf fell at Meijers in a wet area during floor cleaning. The dispute was over whether the "slippery floor" signs had been set out. Plf claimed that her fall aggravated a pre-existing fibromyalgia condition plus additional bruising. The emergency room staff did not document these injuries. Plf accepted $52,000 at mediation and the defense moved from an initial $10,000 offer to $25,000 at the final settlement conference. Plf refused to move from the mediation figure. The case was well presented by both attorneys.
2002	Products Liability	$50,000	This was an insurance subrogation action arising out of the destruction of the insured's home when a propane-powered turkey cooker caught the insured's garage on fire. Although it was evident that the turkey cooker was the cause of the fire, the claim of defective manufacture was not well established and there was substantial comparative fault for setting it up in the garage contrary to the manufacturer's warning. The case settled for $50,000 following three days of trial.

2002	Premises Liability	$145,000	The Plfs were a nice young couple who moved to Traverse City from the south where they had performed substantial volunteer work with the elderly. They were tenants in the Def's building. The Def landlord had occupied the apartment previously and knew of a hazard created by ice melting and sliding off in blocks on the only walkway. The Def admitted that the roof had not been maintained or inspected and that no specific warning of this problem had been provided to Plfs. The ice came down on Plf husband in the dark as he returned from work. He experienced a fracture of his tibia and fibia which resolved through the surgical placement of a rod. There were three days of hospitalization initially and a second hospitalization for dehydration. The Def experienced modest leg length differential as a result of the surgery and lifelong limitations on his mobility and need for home physical therapy exercises. The Defs were poor witnesses and Plf's treating physician gave a good medical deposition for the Plf. The Court granted a directed verdict on negligence and dismissed an open and obvious argument finding special circumstances as a matter of law. The case was settled after the proofs were presented and closing arguments were completed and just before the jury was charged.
2002	3rd Party Auto	No cause	A third person collided with the rear of Plf's car after skidding on wet pavement. The pavement was wet due to the operation of the Def hotel's sprinkler system spraying the road. Plf settled with the third party for $35,000. Plf sued the Def hotel claiming that it was negligent in letting its sprinkler system place water on the road. Plf's injuries were soft tissue in nature but substantial and well documented. The case evaluated at $10,000 which Plf accepted and Def rejected. Plf offered to accept $10,000 at the settlement conference and Def only offered $4,000. Both parties were well represented and the Def was found not to be negligent by the jury.
2002	Products Liability	No cause	Plfs' decedent was killed at work while operating a 120-ton stamping press. A piece of the dye in the press got loose and out of position. When the press came down, a portion of the dye was ejected and killed the 38-year-old Plf. He left a widow, parents and siblings. His father, a co-worker, was present at the time of the injury and saw him bleed to death. The non-unanimous case evaluation was $875,000. It was rejected by both parties. A maximum verdict would be subject to caps at $2.4 million. The parties took extreme settlement positions. However, after 8½ days of trial, they did agree on a high-low verdict prior to the case being submitted to the jury. The Def dye manufacturer asserted that the fault lay with the Plfs' decedent's employer. There was evidence that the employer had disassembled the dye to replace parts in it and there was expert opinion that the dye had been misused by the employer. Plfs introduced strong evidence that the Def used screws that were too short on the part which came loose. Both sides relied heavily on engineering experts who came across as less than fair-minded. The high-low agreement did remove the sting from the no cause of action.

2002	3rd Party Auto	No cause of action	The Def was operating a 13-ton mail truck when he hit the Plf's five-year-old daughter. The young girl ran out into the highway from behind a car parked to the Def's left. She crossed one lane of travel and was struck in the Def's lane. Plf alleged that the Def was negligent in his failure to slow and avoid the accident. The case was evaluated at $75,000 and both sides rejected. The child was under the supervision of a babysitter but notice of third-party fault was filed late and no allocation of fault was made to her. However, the Def argued that the babysitter was at fault. The Plf's family and friends were not compelling witnesses and the Def appeared to be a simple working guy driving a truck. Plf demanded $200,000 at the settlement conf and Def offered $5,000. The jury found no negligence.
2003	Civil Assault	$55,000	In this case, the Def was intoxicated and forceably kissed Plf who was a stranger to him. He also exposed himself and rubbed his penis against Plf's back while she was sitting with friends. This activity occurred at a bar in the early evening without any indication that the Def's advances were the result of behavior by the Plf. The case evaluated at $40,000. The Plf accepted and Def rejected. The Def lacked insurance for an intentional act and did not have cash for a settlement. At trial, a verdict was directed on liability due to the Def's admissions. The Plf was a fragile person and had undergone extensive counseling associated with this assault. She was diagnosed with a post-traumatic stress disorder. Her pain and suffering damages were assessed at $45,000 and an additional $10,000 of exemplary damages were awarded. The Def's wife, who dutifully supported him during the trial, was seen to slap him once on the way out of Court and again as they entered their automobile.
2003	3rd Party Auto	$224,029	In this third-party auto case, the Def was a drunk driver who admitted negligence. No evidence of his intoxication was provided to the jury. Plf was middle aged and had been an extremely active and hardworking owner/operator of a well-known local business. She reported a low back injury which had reduced her to half-time work. She also experienced a significant reduction in recreational activity including tennis, sailing and skiing. Due to the limited objective evidence of injury, the case evaluated for $25,000. Plf accepted and Def rejected. At the settlement conference, Plf demanded $42,000 and the Def only offered to pay $11,000. The jury awarded $149,029 to the Plf for future economic losses, $60,000 for past pain and suffering and $15,000 for future pain and suffering. No award was provided to her husband as the Plf neglected to include damages for loss of consortium on the verdict form.

2003	Real Property	$95,000	Plfs were purchasers of a Leelanau County resort. They had made a $95,000 deposit towards a $1.4 million purchase of a resort with 400' of lake frontage. Before this sale closed, Plfs learned that there were problems with the resort's septic system. They refused to close and the Defs retained the deposit as liquidated damages. Plfs sued to obtain their deposit and alleged that Defs had misrepresented the septic system as being in working order. The Defs offered evidence that the septic system had worked satisfactorily for the subsequent buyers who paid $1.7 million for the same resort. It was also shown that the septic system was grandfathered and did not meed current codes. After a three-day trial, the Plfs prevailed on their claims of fraud by false representation, failure to disclose facts and innocent misrepresentation. The judgment was for the $95,000 earnest money deposit.
2003	Real Property	$230,509	In this real estate fraud case, the Def sellers were a husband and wife. He was a licensed builder and she was a real estate agent. They bought a cottage on Silver Lake with 61' of frontage for $90,000 and invested $76,000 in a remodel over a defective floor system and sold the structure as "new from the foundation up" to Plf for $350,000. The inspection revealed defects which the Def husband said he would fix. The proofs indicated that there were substantial electrical and structural defects which remained. The Def had pulled a building permit and an electrical permit but had never completed the electrical inspection process or obtained a certificate of occupancy. The Plf prevailed on her claims of breach of contract and fraud against the Defs. She was unsuccessful in her claim against the real estate broker. There were no real settlement discussions as the Defs claimed to have no funds. Recission was explored and rejected. The damage award of $190,282 included costs of repair plus $5,000 of additional living expenses. Consistent with the Consumer Protection Act Claim, the jury also awarded $40,227 of actual attorney's fees. A very similar case was tried immediately after this one and settled mid-trial pursuant to a recission agreement.
2003	Whistleblower Claim	$5,000 plus attorney's fees	Plf was an independent contractor who worked with a mortgage loan originator. She claimed to have been fired after she threatened to contact the Wage and Hour Board over a pay dispute. The evidence was strongly supportive of her claim that she was a good employee who worked directly with the Def corporation's president. He had no critical comments regarding her performance. The corporation's vice president and office manager was the president's spouse, and she fired the Plf in his absence and called the state police to remove her from the premises. Plf was relatively promptly re-employed so the future damages wage claim was well mitigated. The jury found that Plf was terminated in violation of the Whistleblower's Protection Act and assessed $9,000 of economic loss that was reduced to $4,500 due to Plf's rejection of earlier job offers. She was also provided with $500 of noneconomic damages for a total verdict of $5,000. Consistent with the Act, actual attorney's fees were also assessed.
2003	Legal Malpractice	$109,125	In this case a liability insurer sued its own attorney for the claimed failure to communicate settlement offers to it during the trial of a third-party automobile case. Plf's theory was that the Def failed to communicate the settlement offers to it on the last day of trial because the Def mistakenly believed that the case was going well. The evidence indicated that the Plf insurance company had taken an unreasonable settlement position throughout the period preceding the trial of the underlying matter. The jury found professional negligence and assessed damages, but it reduced those damages by

			48.5% comparative fault. The case evaluated at $2,500. The defense moved very little from that figure at the final settlement conference and the parties remained far apart before the three-day trial resulted in a gross verdict of $225,000 prior to the 48.5% offset for comparative fault.
2003	3rd Party Auto	$100,000	This case involved a Plf who was 13 years of age when he was injured as a passenger in a car driven by his mother. Neither he nor his mother had comparative fault and both negligence and proximate causation were admitted. Plf's injury was a displaced fracture of the left radius and ulna, growth plate damage resulting in a "cocked" hand as he grew. As the radius grew, the ulna did not and a second surgery with a plate and screws was necessary. The original fracture was repaired with a closed reduction and one-day hospitalization. At the close of all proofs, the Court granted a directed verdict for the Plf on serious impairment. The only issue remaining for the jury was damages. Just before closing arguments, All-State offered its policy limits of $100,000. The Def's prior best offer was $50,000 and the Plf had been willing to accept $90,000 at the Final Settlement Conference.
2003	Construction Injury	$578,640	Plf was a laborer who had limited experience in the roofing business. He arrived at this job site to make certain that the area where the steel roof was to be installed was ready for the crew. While moving a piece of steel decking which was improperly guarding a hole, the Plf stepped through the hole and fell to the concrete deck below. He had significant injuries involving his left elbow and right wrist. At the time of trial, he had already experienced four surgeries including a partial fusion of his right wrist. He had permanent partial disability of his wrist. Plf had attended a community college for two years and had been certified in heating and air conditioning. Among the damages he sought from the jury were the expenses of returning to college for an additional two years to get a bachelor of arts degree so that he could work in a field consistent with his injuries. Medical expenses incurred to date were $62,000 and Plf asked the jury for $2.7 million of economic loss on a 45-year life expectancy and $472,000 of additional noneconomic loss. The Plf's proofs were aided by a dispute among the Defs. The Def construction manager was negligent in the failure to inspect the hole and the cover over it. The Court directed the verdict on both negligence and proximate cause. The construction manager, however, was entitled to contractual indemnification from the relevant subcontractors. The Def general contractor was negligent in actually covering the hole and the Court directed a verdict on both negligence and proximate cause. The Plf employer was not a party but was properly brought into the case through the Defs' notice of nonparty fault. A verdict was also directed against the Defs' employer for negligence in the failure to account for known holes in the roof decking and to inspect the covers for the benefit of its own employees. The Def steel erector was supposed to cable the openings on the roof deck as a safety measure and its contract stated so. Its failure to do so caused the Court to direct a verdict on negligence. There was a question of fact for the jury with regard to the superseding negligence of other parties. The Def steel erector performed its work on a subcontract with a steel supplier and the steel supplier was treated identically in the case as the steel erector who was its agent. Case evaluation was $300,000 and the Plf's lowest demand was $350,000. The best package the Defs ever put together during the course of the trial totaled $240,000. The jury ultimately found the construction

			manager to be 50 percent at fault and the general contractor who failed to properly secure this opening to be 45 percent at fault and Plf's employer to be 5 percent at fault. Past economic damages were $167,644 which included lost earning capacity and medical expenses through the date of the trial. Future medical expenses totaled $38,000. Future wage loss was presented over the succeeding seven years in the total amount of $216,264. Past noneconomic damages for pain and suffering totaled $67,500 and future damages were assessed at $7,500 per year for each year of Plf's remaining statutory life expectancy for a total future loss of $340,000. After reduction to present value and calculation of interest, a judgment was ultimately entered for the Plf in the amount of $578,640.
2003	Premises Liability	No cause	The Def had purchased a new tractor from the Plf who delivered it to the Def's home. Plf had just delivered the tractor and finished instructing the Def on how to operate it. The Def then ran over the Plf's leg as the tractor was being taken into the garage. Plf experienced a compound fracture of his leg and was off work for 18 months. There was a worker's compensation lien for $34,000 of medical expenses. Case evaluation was $150,000 and Plf's lowest demand was $140,000 and Def's highest offer was $75,000. Plf requested $770,000 at the close of proofs for what appeared to be a very hard working and personable Plf. The Def did not appear to make a good impression on the jury. Plf's recovery was quite good after 18 months considering that he nearly had his lower leg amputated. Despite this and after only 20 minutes of deliberation, the jury returned a verdict finding that the Def was not negligent.
2003	Wrongful Death	$1,302,061	Plfs' decedents were a husband and wife in their 70's who left a large family as survivors. Their children and grandchildren comprise a close knit family with lots of regular contact. There was no significant claim of economic loss and the case was tried on admitted liability, the Def having earlier been convicted of negligent homicide. The case was evaluated at $1.6 million which the Defs' accepted and offered at the final settlement conference. The Plfs' lowest demand was $4 million. Following a four-day trial, the Plfs' rejected a high-low of $1.6 million/$9 million despite having seated a very conservative jury. Indeed, the jury foreperson was an ex-marine officer and business owner. Plfs' asked the jury for $91 million and the Defs' suggested $1.15 million. The jury foreman indicated the jury would not have awarded more than $1 million but for the Defs' offer to pay $1.15 million. Curiously, the Plfs created an atmosphere within the courtroom that caused the jury to request police escorts to their cars.
2003	Environmental Negligence	No cause	Plf hired the Def, an environmental consulting firm, to clean up gas station pollution. Plf claimed that the Def negligently failed to do so. The damages were those associated with a claimed delay and lost right to collect from the State's Underground Storage Fund and to receive insurance benefits. Plf was then seeking reimbursement for the expenses that it directly paid for the clean up. Plf's expert made a poor presentation and did not appear credible. The Def offered proof that the Plf repeatedly told it to hold off and not pursue aggressive clean up because Plf was short of funds. The case evaluated at $100,000 which the Plf accepted and the Def rejected. Def's best offer at the settlement conference was $25,000 and the Plf reduced its demand to $75,000. The Def was found not negligent after a three-day trial.
2004	Medical Malpractice	No Cause	The Plf, a long-time smoker, ultimately lost his leg when an arterial bypass performed by the Def clogged a few months post surgery.

			The claim is that the Def did not properly and promptly act to revascularize the leg. Plf alleged that the Def mistakenly chose an already diseased vein with which to do the bypass and failed to make periodic checks of the Plf's progress as required by the relevant standard of care. Their was a report from a radiologist advising the Def that the vein was not suitable but he used it anyway and then failed to re-operate when the Plf's leg was dying after the vein occluded**.** Plf sought other treatment and two to three months later his leg was amputated above the knee. Plf, age 60, was wheelchair bound in a long-term care facility. Plf had prior medical conditions of significance before this bypass including occlusions affecting his heart, leg and carotid arteries. He claimed to have stopped smoking one month before the trial notwithstanding constant advice over the years to terminate smoking which was promoting his cardiovascular disease. While the jury found the Def physician to be professionally negligent and that Plf sustained injury, the jury did not believe that the Def's negligence was a proximate cause of damage to the Plf. It is difficult to speculate as to the jury's reasoning here since it may have been due to the Plf's continued smoking causing the clog as opposed to the negligence of the Def or the Plf's pre-existing vascular fragility or to the defense that the subsequent treating physician did not need to amputate the leg. The Plf's case was supported by strong evidence and well presented. The outcome appeared surprising given the length of jury deliberations. Case evaluation was $190,000 and the Def's highest offer prior to trial was $70,000. Plf reduced his demand of $370,000 to something more than $200,000 prior to trial. The oddity of this verdict and the potential issues raised by the finding of no proximate cause were eliminated by a high/low agreement arrived at by the parties while the jury was deliberating. The high was $350,000 and the low was $125,000 and it was at the low figure that the case resolved.
2004	Insurance Subrogation	$457,000	This insurance subrogation action arose out of a fire which did substantial damage to a new home on Torch Lake. Two distinct cause and origin theories were put forth. Plfs' principal claim was that the fire resulted from the spontaneous combustion of sawdust mixed with polyurethane residue which had been left on a kitchen floor. The kitchen floor was being resanded due to errors in its original stain and finish. The second theory was the fire resulted from an electrical fault caused by a pipe hanger being driven into a dryer cable. The Defs were the subcontractor who performed the sanding and the general contractor. The electrical subcontractor was not sued and the general contractor dismissed his cross-claim against the sanding subcontractor just before trial. The combination of insured and uninsured losses presented to the jury totaled $711,000. The Defs' experts put uncontested damages at $331,000. Yet, the Defs' best offer was $150,000 during trial. After six days of trial, the Def sanding subcontractor settled with the Plf for $90,000. At the close of all proofs, a directed verdict was granted on a breach of implied warranty theory against the remaining Def general contractor. Plf then dismissed all of its other claims against the general contractor and the case went to the jury without any allocation of fault with regard to nonparties. Comparative fault was not an issue. Plf All- State had paid $595,000 on its policy to repair the structure, clean, repair or replace personalty and compensate the insureds' for their additional living expenses. The jury returned a verdict for All-State in the amount of $457,000 with no award on the uninsured claims.

2004	Medical Malpractice	No Cause	Plf mother was given an epidural spinal injection in preparation for an emergency c-section. The Def is a board certified anesthesiologist. Plfs claimed that an improper technique was used causing Plf a permanent nerve injury to her right leg. Her husband brought a claim for loss of consortium. The defense took the position that her symptoms should have resolved within three months and that there was no objective evidence to support her ongoing complaints of pain and daily consumption of methadone. Both the Plfs' and the Def's experts substantially agreed on the standard of care and that Plf's injury and its related paresthesia or numbness can occur without negligence. For example, if Plf moved during the administration of the anesthetic, these results could have been obtained. The case was tried for five days and a no cause of action was received by the Def after two hours of deliberation. The Plfs did not provide the jury with a noneconomic figure but did ask for $32,000 in past wage loss and $25,000 of future wage loss. The defense made no suggestion regarding damage figures and had made no settlement offer.
2004	Legal Malpractice	$26,500	This case involved a commercial transaction where Plf client took options to purchase a business, a liquor license and a security interest in the liquor license. There was a $43,000 state tax lien on the liquor license. Plf's attorney (Def in the malpractice case) did not conduct a UCC search and failed to detect the tax lien. Def relied on Bank's representation as to the status of claims against the liquor license rather than do a UCC search. Plf claimed $790,000 in damages associated with lost tenants to whom he supposedly would have leased the bar. Plf had acquired the bar, the land, the building and equipment. Plf did not make a good appearance when he testified and seemed unnecessarily stubborn and difficult. At times, he appeared to not even understand the questions being asked of him. He failed to timely name expert witnesses and only obtained expert testimony through his brother, an attorney, who the Def had named as a non-party at fault. The bank's lawyers had informed the Plf through his attorney (Def) that the bank had first priority with respect to the liquor license. Reliance on these representations was supported by a standard of care witness who testified Def did not need to do a UCC search. The case mediated at $15,000 which Plf rejected and Def accepted. At the settlement, the Plf refused to accept any amount below $450,000. While liability was clear, damages always appeared small. The tax lien was compromised for $25,000. Plf had done nothing to mitigate damages. Following a four-day trial, the jury returned a gross verdict in the amount of $26,500. Only 25% of the verdict was allocable to the Def attorneys. Fifty percent was allocated to the non-party bank and their attorney and 25% was allocated to the Plf as comparative fault. Case evaluation sanctions will result in a positive award by Defs against Plf.
2004	Products Liability	$175,000	Plf purchased landscape bricks from a building supply company and rented a truck from the company to deliver the bricks to Plf's home in Leelanau County. In the process of unloading the bricks, the Plf leaned with his hand against the sidewall of the box on the back of the truck. The sidewall, which was hinged, was not latched properly and fell away. As a result, Plf fell off the truck, severely fracturing his radius at the wrist. Three operations were ultimately required to repair the damage. This was the Plf's non-dominant hand but, as residual loss, the wrist was still weak and hand dexterity limited. Case evaluation of $99,000 was rejected by both parties. At the settlement conference, Plf reduced his demand from $250,000 to

			$125,000 but Def never offered more than $65,000. Plf was a 53-year-old male who made a very good witness in his own case and the jury awarded him $175,000 with no comparative fault offset and no award for future damages. While the jury was deliberating, the parties agreed to a high/low of $15,000-$190,000 and to no appeal. The case was tried for two days in Leelanau County.

2004	1st Party No Fault	Settled	This case was tried for three days before a Grand Traverse County jury and settled following directed verdicts for the Plf on the principal issues. Plf had experienced a closed head injury in an automobile accident and his no-fault insurance carrier would not pay for certain replacement services, pain medications and vision therapy. The wage loss claim had been resolved prior to trial and claims for counseling and case management services were withdrawn during the trial. The case was unusual in that the medications had been prescribed as was the vision therapy. All of the expert testimony indicated that the services were reasonable, necessary and proximately related to the motor vehicle accident. The insurance company had been offered the opportunity to complete an independent medical evaluation but chose not to do so having completed one just prior to suit being filed. The IME supported the Plf. In the absence of any evidence to the contrary, no question of fact was created for the jury and directed verdicts were entered. A replacement service claim was settled for $12,000 and the parties preserved their rights of appeal and for post-judgment no-fault sanctions on the directed verdict issues.
2004	3rd Party No Fault	No Cause	This case was tried for three days before a Grand Traverse County jury. Plf claimed injuries arising from a rear-end collision when the brakes failed on Def's one-ton pickup. The testimony was that the impact occurred at less than 5 mph. There was no question the brakes failed and a pool of brake fluid was found at the accident scene. Plf claimed debilitating neck and back pain and was kept off work from the date of accident through the trial. The claim was for noneconomic damages only. The Plf was an attractive young mother and the Def made an impression as an honest mechanic driving his employer's truck. Case evaluation for the Plf was in the amount of $75,000. At the settlement conference, the Def offered $30,000 and the Plf demanded $60,000. The verdict was a no cause of action.
2005	Premises liability	No Cause	In this case, the Plf claimed to have cut her finger on a toilet paper dispenser at the Def's store. She received five stitches and the wound became infected. There was $76,000 of medical specials and she spent 56 days in the hospital. However, there was no substantial proof to show the Def knew or had reason to know of a sharp edge on its toilet paper dispenser. The dispenser which was an exhibit at trial had no sharp edge on it. Case evaluation for the Plf was in the amount of $15,000. At the settlement conference, the Def offered $15,000 and the Plf demanded $30,000. The verdict was a no cause of action.
2005	Premises liability	$170,000	The Plf claimed injuries experienced when exiting an elevator which did not line up with the floor. Plf fell head first into a desk. The claimed injury was a soft-tissue back strain with constant permanent pain. The Plf was prescribed methadone three times daily as well as three other prescription drugs. There was a week of lost wages and $17,000 of claimed economic damages. The worker's compensation carrier asserted a lien. The treating physician imposed a 10-pound lifting restriction but the jury was shown a video of the Plf lifting two grocery bags out of a car three days before the trial. The claim evaluated for the Plf in the amount of $100,000. At the final settlement conference, the Def offered to pay $30,000 and Plf demanded $90,000. The Defs admitted negligence. The Plf was awarded past damages for economic loss in the amount of $20,000 and noneconomic damages in the amount of $100,000. Future economic damages were awarded for two years at $10,000 per year and future noneconomic damages were awarded for two years in the

			total amount of $30,000. With only a modest reduction to present value, the Plf's total damages were $170,000.
2005	Dog bite	$75,000	In this two-day trial before a Grand Traverse County jury, the Plf sought $300,000 of damages for injuries allegedly received due to an encounter with the Def's dog. Although Plf claimed significant limitations, there was evidence of pre-existing degenerative disk disease and similar lumbar radiculopathy. Plf argued that those prior conditions had resolved and that Def's negligence lead to a lumbar laminectomy and decompressive diskectomy at L-4, L-5 with a good recovery. Plf was 63 years of age and complained of ongoing pain and limits on activity. Plf and his wife made a very good impression. The Def did not testify. The offending dog was a 100 pound, unleashed Great Dane. Plf sought $23,219 in economic damages and past noneconomic damages in the amount of $300,000 and future noneconomic damages in the amount of $165,000. The Def asked the jury to simply use their common sense and did not provide them with a specific number. At the final settlement conference, the Plf demanded $165,000 and the Def offered $15,000. The $75,000 verdict was split into past economic damages in the amount of $23,219 and past noneconomic damages of $40,000. The remaining $11,785 was allocated to future noneconomic damages.
2005	Watercraft collision	No Cause	This case was tried for four days before a Leelanau County jury. Two boats ran over a raft filled with six tourists. The accident was at dusk off Van's Beach just south of the entrance to Leland Harbor. Both boats were headed towards the harbor. The owner of the first boat was not present at trial. The driver of the boat had filed bankruptcy but had implied consent to use the boat. There was a significant question as to whether the second boat actually hit the Plf. Plf made a favorable impression as a 24-year-old college educated and married individual. He spent four weeks at the U of M Medical Center and his injuries include muscle damage, skin graphs, a broken hip and femur with $170,000 of medical expenses. The case evaluation for the Plf against the operator and owner of the first boat was $70,000 and $30,000 was awarded against the operator of the second boat. The award was non-unanimous and all rejected it. Plf's demand was never lower than $450,000 and the first boat never offered more than $20,000 and the second boat never offered more than $1,000. Without objection, the defense argued that the Plf's law firm had driven the operator of the first boat into bankruptcy and that the case was all about money. Plf's counsel, from a downstate firm, demanded $3.8 million in their closing argument. Plf's counsel took the bait and wasted his rebuttal by defending who he chose to sue rather than talking about the case. Ultimately neither operator was found to have operated his boat in a negligent fashion.

2006	Premises liability	No Cause	In this Antrim County jury trial, the Plf sought damages when a limb fell from a tree and killed Plf's decedent. The decedent was the mother of four adult children and held a good job. The Def owned the property beside the road and the claim was that the Def was negligent for the failure to trim the rotted branch. There was no liability if the tree was located in the road right-of-way. At the settlement conference, the Def offered nothing and the Plf demanded $500,000. The non-unanimous case evaluation was in Plf's failure for $250,000. Neither party accepted. The jury found that the tree was in the road right-of-way and the result was a no cause for the Def following a four-day trial.
2006	Medical malpractice	No Cause	In this eight-day Grand Traverse County jury trial, the Plf sought damages associated with claimed negligence by his physician. The Plf was hospitalized for leg artery bypass. He awoke paraplegic. Plf's theory was that his anesthesiologist had used too much spinal anesthetic and administered it too quickly decreasing his blood pressure and starving the spinal cord of blood. The Def denied negligence and made no offer from the inception of the case. The Def's theory was that Plf's pre-existing arterial disease clogged an artery to the spinal cord which was unrelated to the administration of anesthetic. The key witness appeared to be the subsequent treating physician who testified that the recorded blood pressures were typical of this type of procedure and not associated with any unusual administration of anesthetic or patient response to the administration of anesthetic. The jury found no medical negligence.
2006	Premises liability	$4,241.50	Plf was returning a lost dog to a neighbor when she fell in a depression in the Def's lawn. The parties agreed the Plf was a licensee and the jury allocated fault 50/50. Plf's injury was a broken ankle requiring surgery. The jury award was for Plf's medical expenses. She was given no award for lost income associated with babysitting her grandchildren and, oddly, no compensation for noneconomic damages. Net of comparative fault, the award was $4,241.50.
2006	Breach of contract	$230,000	This four-day jury trial revolved around construction defects claimed by Plf in the Defs' erection of a log cabin from a kit. Although construction had been approved by the Antrim County Building Inspector, there were a number of issues raised with the quality of the inspector's work in this and numerous other projects. The construction defects were serious and included leaks and walls which were bowing out. The construction defects were not seriously in dispute and the jury awarded $220,000 of damages and an additional $10,000 on the fraud claim.
2006	Breach of contract	$86,813	In this Leelanau County jury trial, Plfs claimed the Def had misrepresented material facts associated with a termite infestation on their property. After a three-day trial, the jury awarded damages for the eradication of the termites and repairs associated with the damage which totaled $48,813. An additional $38,000 was awarded for legal fees.
2006	Dog bite	$21,884.21	There was no dispute that the Plf was bit by the Def's dog. She had a scar on her right leg which was slow in healing and ultimately developed a significant infection. She claimed past and future damages as well as economic loss. Plf was a female, 50 years of age with a 30.1-year-life expectancy. Liability was admitted. The Def had acted appropriately at the time of the incident and thereafter and simply wanted the jury to award a reasonable sum. Plf also made a nice impression. The Def also agreed to pay the Plf's medical bills and the stipulated sum there was $11,884.21. To this sum, the jury

			awarded $2,500 for past damages including the incident itself and the resultant scarring. She was also awarded $7,500 for the future scarring. The total jury award was $21,884.21. There was no reduction for comparative fault.
2007	Construction injury	No cause	This case was tried over five days to a Leelanau County jury. The Plf was a 53-year-old framer on a multi-story construction project. He fell 17 feet through a stairwell covered by a piece of foam board insulation. The Def had poured concrete in the winter and heated it from a lower level. The foam board was placed over the hole to hold in the heat. Contrary to state requirements, the foam board was not marked with the word "hole" nor was it of sufficient strength to support a man's weight. The Plf had multiple surgeries to repair his left arm and also underwent a L4-L5 cage fusion and laminectomy. He was unable to work again in the construction field. Plf's expert was poor and a surveillance video also hurt the Plf. Other parties had settled prior to the trial and a key question in this litigation was whether the Def had created a new hazard independent of its contractual duties. Plf's expert did not address this issue nor were the standards for covering a hole reviewed with him. The best offer made by the Def was $50,000 and Plf's lowest demand was $150,000. Plf had settled with other parties and the Def focused on their "non-party" fault.
2008	Underinsured motorist claim	$30,000	This underinsured motorist claim was brought against the Plf's insurance carrier after $20,000 of underlying limits had been paid. The at-fault driver was the Plf's stepsister and Plf was without comparative fault. Plf was struck in the face by a snowboard while he was a backseat passenger in this automobile accident. At the time of the accident, Plf was a 14-year-old male who suffered serious facial fractures which were repaired with a mesh plate and screws. He had a resultant six-inch scar which had been revised with laser surgery. There was no excess wage loss and no functional limitations. The Plf sought $280,000 and the Def's highest offer was $15,000. The jury found no permanent serious disfigurement and entered an award for past damages only. The jury included an automobile insurance salesman and a snowboarder (electrical engineer) which was the activity Plf claimed he could no longer do at a high level due to a loss of confidence and a fear of a repeat facial injury.
2009	3rd Party Auto	$80,000	Plf was injured in a rear end collision for which the Def admitted liability. He claimed a closed-head injury. At issue was whether his symptoms were the same as those which predated the accident and were disclosed in prior medical records. The medical records indicated visits over a 10-year period to physicians alleging similar complaints. Additionally, the Plf exaggerated his loss in his deposition by denying previous symptoms and claiming a high school and NMC GPA of 3.5 and 3.6 prior to the accident. His GPA was actually 2.9. Otherwise, the Plf appeared to be a nice, hard working young man. The treating physicians testified that his injury was due to the collision. The physicians were not deposed prior to their trial depositions. Multiple medical depositions were overly long to the point where two were never played to the jury. The Def offered $35,000 at the settlement conference; the Plf would not come down from $100,000 and the case evaluation was $200,000. The award was solely for future economic loss. The jury did not find a bodily injury that resulted in serious impairment of body function.
2010	Medical	No Cause	The Plf's decedent was a 320 pound, 32-year-old woman who

	malpractice		presented to the Munson emergency room at 6 a.m., Easter morning. She smoked, was diabetic and had a history of high blood pressure. She reported with symptoms of chest pain. Nitroglycerin and a GI cocktail provided some relief. She was admitted to the hospital for cardiac testing that was scheduled for the next morning. She died at 7 a.m. the next morning due to a ruptured aortic dissection. Plf claimed the Defs failed to promptly administer tests to detect this extremely rare (in a 32-year-old woman) event. The case evaluation was in the amount of $100,000 against the hospital and $400,000 against the Def Physicians. All parties rejected the evaluation. At the settlement conference, the Defs offered zero and the Plf demanded $450,000. The decedent's family were not compelling witnesses and the jury returned a no cause following 8 days of trial within 1½ hours (including lunch).
2010	Dental Malpractice	No Cause	The Def was alleged to have failed to detect periodontal (gum) disease. Plf had treated with the Def dentist twice a year for 20 years. The failure to detect periodontal disease did not cause the Plf to lose any teeth. However, she was required to have cleanings every three months for life rather than every six months. Plf was a 62-year-old female who did not make a positive impression during the trial. The Def also showed a remarkable lack of interest in the trial. Both experts had a history of testifying for counsel of record and neither was especially compelling. The Plf's current treating dentist who had corrected her problem with surgery supported the Plf's position. The surgery did create numbness in the Plf's lip which was a recognized risk of the surgical repair. On balance, the liability case was well presented but there were no meaningful damages. The case was evaluated at $55,000. Plf accepted and Def rejected. At the settlement conference, the Plf was willing to take $50,000 and the Def offered $15,000. The jury returned a prompt no cause of action after four days of trial.

2010	Contract	No Cause	The Plf sued the Def for $162,000 which he claimed was due him for improvements he made to the Def's home between the years 1999 and 2008. During this period, the Plf and the Def were living together and in an intimate relationship. The Plf first met the Def at CMH where he was her patient. The Def was psychologist who lost her license due to this relationship. Plf also made a claim for malpractice which was dismissed due to the failure to file either a notice of intent or an affidavit of merit. An intentional infliction of the emotional distress claim was dismissed due to the Statute of Limitations. The testimony indicated that Plf worked very little while living with the Def and that she supported the household. The case evaluated at $20,000 which the Plf rejected and Def accepted. Def continued to offer $20,000 at the settlement conference. The jury found no implied contract and awarded no damages. There was a separate claim and delivery count and the jury quickly divided the parties' personal property.
2010	Medical Malpractice	No Cause	The Plf was a 62-year-old retired teacher who had a stint inserted into an artery in her leg. The artery dissected. The Plf was released to go home less than two hours after the surgery despite physicians' orders requiring that she be observed for at least six hours post surgery and one hour after walking. She was released within 20 minutes after walking and experienced pain during her drive home to Wexford County. She died when the dissection worked up the aorta to her heart and filled it with blood. The Plf's husband witnessed her death as her son-in-law (an EMT) tried to save her. The husband was a retired Detroit police officer and the family was close and made an attractive presentation to the jury. The cross examination of Defs' experts also seemed effective. The cause of action against the Def was for the failure to properly train nurses handling this class of patients. The defense was that the Plf's decedent would have died anyway. Case evaluation was for $500,000 and the Defs never offered anything. The trial lasted 6½ days and ended in a no cause of action.
2010	3rd Party Auto	No Cause	In this case, the Plf with severe pre-existing conditions was rear ended by the Def at approximately 50 mph. Prior to the accident and with these pre-existing conditions, the Plf worked full time in the family insulation business as an estimator and ran charter fishing boats. Post accident, his work was limited to half time and he was struggling to continue his charter business. The Plf claimed an aggravation of a pre-existing injury. Case evaluation was non-unanimous. The Def offered $135,000 at the settlement conference and Plf demanded $850,000. The Plf made a very good witness and impressed the Court as hard working and not a complainer. Liability was admitted the day before the trial and the Plf refused a $350,000 offer. The jury found that the Plf's injury did not satisfy the no-fault threshold after four days of trial.
2010	Medical Malpractice	No Cause	The Plf, a chiropractor, went to the emergency room with abdominal pain and was sent home. She was told to see her doctor or return if she did not improve within 24 hours. The Plf called her personal physician who told her over the telephone that the emergency room had checked her so she need not worry. Four days later the Plf had surgery for a ruptured appendix. She spent eight days in the hospital and has continued complaints of diarrhea which limits her work day. Plf also had a history of drug use with relapses and was bipolar. After 4½ days of trial, the jury returned a finding of no negligence within 15 minutes.
2010	Contract	No Cause	The Plfs sued their insurance carrier for failure to pay on a fire loss

			to their home. The Def insurance company claimed the fire was set by the Plfs or someone acting on their behalf. The house burned the same day the Plfs received their policy in the mail. The Plfs were also in financial distress and had filed a Chapter 13 bankruptcy. The case evaluation was for $85,000, the Def offered $50,000 which the Plfs rejected. At the settlement conference, the defense offer dropped to $30,000 and the Plfs demanded $80,000. After 3½ days of trial, the jury found for the Def after less than 10 minutes deliberation.
2010	3rd Party Auto and UIM	$233,850	The Plf in this case was a 58-year-old man who suffered a severe pilon fracture of his left ankle. He had experienced two surgeries and was likely to have the ankle fused in the future. It is held in place presently with a rod, plate and screws. There was no excess wage loss claim as the Plf is a computer IT specialist for a non-profit organization and was able to continue his employment. The Defs admitted negligence, injury and proximate cause. The issue was solely that of damages. The Plf's settlement conference demand was $325,000, the Def driver had tendered its $100,000 policy limits prior to trial and the Def Auto Owners (who was present on the uninsured motorist claim) offered an additional $125,000. The jury verdict was $150,000 for past damages and $47,500 for future non-economic loss. The jury also awarded $34,350 for future replacement service expenses and $2,000 for loss of consortium to the present date with no future component. The total damage award without a present value reduction on the future losses and without calculating interest and costs was $233,850 after three days of trial.
2010	3rd Party Auto and Wrongful Death Act	No Cause	In this case the Plfs' decedent was intoxicated and crossing a rural highway when he was struck and killed by the Def. The decedent was a 73-year-old male and the driver was an 83-year-old male. The decedent's blood alcohol content was .144 and he was blind in the eye closest to the oncoming driver. The accident occurred on the Friday of a Labor Day weekend in day light hours and the Plfs' decedent was visible at all relevant times. The Court determined that the decedent was impaired as a matter of law. The testimony was that the Def was not speeding but going approximately 40-47 mph in a 55 mph zone and left more than 80 feet of skid marks. Three eyewitnesses testified that the Plfs' decedent never looked as he crossed the road and that the Def could not avoid him. The decedent's family was clearly well off and the Def made a sympathetic witness. The accident reconstruction was poorly done but the parties left as a juror an individual who had retired from the University of Michigan as Professor of Mathematics and Engineering. After four days of trial, the jury found no negligence in less than one hour. One suspects the engineer was capable of doing the math.
2010	3rd Party Auto	$250,000	The Plf in this case was stopped at a traffic light and rear ended by the Def. The Def died in the crash and was speeding. Neither weather nor visibility were factors. Plf's injuries included a fractured sternum and several fractured ribs, a whiplash injury, four months of disability and a permanent residual of low back and neck pain. The Court granted a directed verdict of negligence and dismissed the Def's affirmative defense of an alleged sudden emergency created by the Def's high blood sugar as it was without any expert evidentiary support. The jury was left to consider proximate cause, the no-fault threshold and damage. After two days of trial, they returned a verdict in the amount of $250,000. The award was split equally between past and future damages.

2010	Contract	No cause of action	In this case, the individual Def ran a business with other partners. With his partners' knowledge, he contracted for the Plf business to supply the Def company with inexpensive furniture in large quantities. The Def company was owned by the individual Def. The Plf company could not handle the volume or the costs associated with producing the quantities required by this contract and went bankrupt. Plf sued the Defs alleging fraud and deliberate mismanagement. The jury returned a no cause on this claim after an 11-day trial. They did, however, find that the Def company owed the Plf $42,230 for furniture which had been delivered. The Plf's claim was for $1.5 million and no serious effort at settlement was made.
2011	General Negligence	$227,869	Plf was a 63-year-old male with a history of health problems but who was fully employed at the East Jordan Ironworks. In the process of assisting a Menard's employee in removing a 200 pound "garage in a box" from the shelf, he received a bicep tendon tear. The tear was repaired with out-patient surgery, but Plf experienced two unusual complications. First, he was catheterized and a defect in the catheter caused it to be very painful on removal. He also had to self-catheterize for a period after the surgery. Second, he received a rare but known complication involving a bone growth in the area of the repair which bone growth irritated his radial nerve and caused permanent irritation and loss of sensation in his non-dominant hand. The Plf had been married 43 years and his wife was a "lunch lady" at a local school. The parties stipulated to medical expenses in the amount of $10,027 and to an absence of wage loss. While the Plf and his spouse testified regarding a loss of consortium, Plf's counsel withdrew that claim in his closing argument. Menard's was found to be 70% at fault for past, non-economic loss equal to $87,500 and for future non-economic loss in the amount of $12,000 per year for the balance of Plf's 19-year life expectancy. This verdict will be reduced to present value but increased by interest, costs and offer of judgment sanctions.
2011	1st Party No Fault	$152,110	In this first party no-fault action, the Plf was seeking compensation for attendant care services provided by a spouse to her quadriplegic husband. The insured was both quadriplegic and in an unresponsive mental state. The Def was disputing both the hourly compensation and the number of hours sought by the insured spouse given that it was providing care to the insured 24 hours a day, 7 days a week and, for certain periods of the day, a second caregiver was also being paid for by the Def. This sole claim was for past benefits and the relevant period was October 9, 2008 through the date of trial, September 13, 2011. The parties stipulated that the maximum compensation available to the Plf per day would be $140. The jury awarded $140 per day for each day from October 9, 2008 through the date of verdict and an additional $2,310 of interest. The total verdict inclusive of interest was $152,110.
2011	3rd Party Auto	$24,000	This case involved a low speed rear end collision in the left turn lane of the Meijer driveway where it enters Division Street. Plf had a recent rotator cuff surgery which had to be redone. Plf brought a motion for summary disposition which was granted on the Def's negligence, proximate cause and serious impairment. Questions of fact remained with regard to the Plf's claimed nerve re-injury and myofascial pain. Plf sought $550,000 of economic damages and $584,000 of non-economic damages calculated at $50 per day. The Def offered to pay $20,000 for the cost of surgery and an additional $18,000 of rehabilitation expenses and argued an offset from that for comparative fault. Prior to trial, the Plf offered to settle the case for

			$150,000 and the Def countered at $95,000. After two hours of deliberation, the jury found no future loss or other injury and awarded total damages of $24,000. While the Plf was found to be negligent, her negligence was not found to be a proximate cause of her injury.
2012	Medical Malpractice	No cause of action	In this 9-day medical malpractice trial, the issues involved a 60-year-old female Plf who was paraplegic with a long history of right and left shoulder pain following the onset of her paraplegia in 2000. She gained weight and weighed approximately 300 pounds when she went on a cruise in 2006. While on the cruise, her shower seat collapsed twice leading to a rotator cuff repair in February 2008. While participating in aqua therapy at the Def Mercy Hospital, she claimed she was reinjured by the therapist removing her improperly from the pool. She went to Munson Medical Center's emergency room 2 days later and claimed she was dropped during the transfer to her bed and her arm broken by a large male nurse. Her varied versions of events was disputed by the Hospital. Her reports of pain also varied. She did, however, have an oblique spiral fracture of the proximate humerus which fracture was discovered during the repair of her rotator cuff. Plf sought past and future economic damages in excess of $1.8 million and past and future non-economic damages in excess of $1.7 million for a total requested verdict of $3,652,098. After three hours of deliberation, a no cause of action was returned for all Defs.
2012	3rd Party Auto	$25,000	The Plf in this 3rd party auto accident was a very active 48-year-old male. He had injured his knee and his back. The Def, a nice older woman, was clearly negligent. The Plf had declined surgery to restore and repair his knee injury. His claims of past business losses seemed exaggerated. It appeared to be a marginal threshold injury and the Plf offered to accept $65,000 prior to trial. The Def's offer never exceeded $5,000 and the jury awarded $25,000.
2013	General Negligence Claim	$644,388	This 4-day trial involved a 17-year old with no prior farm or heavy equipment operating experience. He and his brother volunteered to work on a cherry farm. On the sixth day of the cherry harvest, Plf lost control of the cherry catcher while on an incline. Four tons of catcher and a tank full of cherries crashed into a tree obliterating his ACL and creating a golf ball size indentation into the head of his femur. Plf claimed a lack of training and supervision as well as a lack of maintenance since the brakes on the catcher completely failed. The Plf, a prior tri-athlete, was a good witness, could no longer compete at a tri-athlete level and had lost a large part of his senior year in high school. An additional injury was the loss of dorsiflexion in his ankle. At the time of trial, he had experienced three surgeries and his treating physicians testified that the ongoing stiffness in his ankle and the recurrence of laxity in his knee would require two additional surgeries. Physical therapy was extensive and the course of surgeries and pain modification had caused the Plf to develop an addiction to narcotic medications. Past medical expenses were stipulated at $38,888. The jury awarded those together with future medical of approximately $95,000. This included $25,000 for future surgery and an additional $1,000 per year of deductibles and co-pays for the remainder of his life. The past pain and suffering award was $93,750 with $68,750 for the next year in which the additional surgeries would take place and then $12,000 per year for an additional 29 years. The verdict will be reduced to present value and there will be an offset for the Plaintiff's 15% comparative fault. The Defs' arguments that they provided adequate training and

			supervision and that the catcher's brakes were not designed to stop it on a hill with a full load of cherries were clearly rejected by the jury.
2013	Defamation	No Cause	The Plf and the Def were engaged in bitter, high asset divorce litigation in the state of Florida. Plf and Def returned to Leelanau County while the divorce was pending. Def opened a letter from the Plf's doctor addressed to the Plf and erroneously concluded the Plf had Chlamydia. Def telephoned a mutual friend and 28-year employee of the Plf to advise her of her conclusion. The Def also told her father. There was no evidence that any other person was told. The Def did delete a number of cell phone text messages. Given the limited number of individuals who were ever told of this erroneous conclusion, it seemed obvious the litigation was motivated by the bitterness of the divorce. Each party questioned the other as to moral improprieties over three days of trial. The jury was not amused and returned a no cause of action. At settlement conference, the Plf demanded $500,000 and the Def offered $500.
2013	Medical Malpractice	No Cause	This 6½-day medical malpractice trial arose out of Plf's collision with a tree while drunk (.18 bac). He crushed a vertebra in his lower back and was rendered paraplegic as a result. A few days later, surgery was preformed to stabilize that fractured vertebra. At end of the operation, the Def anesthesiologist had trouble replacing his breathing tube with another breathing tube and Plf's heart stopped. The Plf was resuscitated but woke up a quadriplegic because part of the spinal cord in his upper neck was damaged. Plf is now quadriplegic and permanently paralyzed from the neck down. He needs a ventilator to breathe and 24-hour care (which is provided by his no-fault automobile insurer, coverage of which the jury was not advised.) Plf's anesthesia expert made a poor presentation. At one point he demonstrated how a breathing tube should fit over a guide tube, but the examples he brought would not fit. From the witness stand and in the jury's presence, he asked, "Does anyone have any WD-40?" He later asked for hand cream. Anatomically and scientifically, Plf's most significant hurdle was explaining why heart stoppage would affect the cervical spinal cord in one location but have no apparent impact on the brain or any other organ. This point was strongly emphasized by the defense experts. At the settlement conference, the Def offered nothing and the Plf demanded $2 million. While the jury was deliberating, a Hi-Low agreement was arrived at where the high was $1.4 million and the low was $100,000. The jury found no breach of the standard of care.

2013	1st Party No Fault	No Cause	This trial focused primarily on Plf's demand for attendant care benefits. The Plf was an Eastern European immigrant with five children and one of those children had cerebral palsy. She was employed at the time of the automobile accident and was paid one year of wage loss and an attendant care benefit for 24 hours a day/7 days a week. The claimed injury was a mild closed-head injury, depression and chronic pain associated with a 2008 motor vehicle accident. She attended the trial in a wheelchair and wearing a back brace. The EMT and ER physician testified that she never lost consciousness and made no complaints of head, neck or back pain. Plf also failed to disclose a long and substantially similar set of prior health issues to any of her motor vehicle accident treating physicians. She was also seen by a member of her physician's staff walking and moving without pain in a local grocery store. The defense IME referred to her presentation as "dramatic" and "bizarre." She was thought to have depression and symptom magnification issues. At the time her benefits were terminated, the Def insurance company had paid in excess of $200,000 on her behalf. The jury found that she had an injury arising out of the motor vehicle accident but that no additional monies were owed by the insurance company to her. Despite the encouragement of her counsel, she rejected a $70,000 settlement offer.
2013	3rd Party Auto	No Cause	In this case, the Def was an 88-year-old female who failed to yield at a four-way stop at a rural intersection. There was a low-speed impact between her motor vehicle and Plf's motorcycle. The Plf was a 41-year-old male who claimed an L5 S1 lumbar radiculopathy. This complaint was not supported by a clinical examination or an MRI. Plf did have a positive EMG. Plf's presentation was overly dramatic. He cried, complained he could not do anything, denied an ability to engage in sexual relations and stated that he was worthless and could not work or stand or even bait a hook to catch a fish. His girlfriend, who specializes in assisting individuals with insurance claims, also cried all the way through her testimony. Plf offered to settle the case for $60,000 and the Def never offered more than $15,000. Plf asked the jury to award a total of $700,000 for past and future losses. In slightly more than one hour, a no cause of action was returned. Interestingly, five of six jurors were males, one was a Harley Davidson rider, two had their own experiences with sciatica and one had lost a child as a result of a motor vehicle accident.
2013	Home owners insurance	$1.048 million	Plfs' house burned to the ground. The Def was the home owner's insurer. The Def offered a very weak arson defense which was rejected both by Plfs' origin and cause expert and the independent expert employed by the Michigan State Police. The jury was left with the impression that the Def's adjustor had been highly unpleasant to the insureds with repetitive demands for information and a claim that the Plfs had fraudulently overstated their loss. The jury was sufficiently upset to direct a note to the Court asking whether they could assess punitive damages against the Def and whether they could assess Plfs' attorney's fees against the Def. At the settlement conference, the Def offered to drop their counter-claim for money already paid to the bank to satisfy the mortgage debt of $487,000 with no additional monies paid to the Plfs. The Plfs offered to take $700,000. After five days of trial, the Plfs were awarded the policy limit for the loss of their home ($816,000) less the $502,602 already paid on the mortgage, the replacement cost of personal property equal to $571,200 and additional living expenses of $163,200 = $1,047,798.

2013	Legal malpractice and fraud	$11,623 plus Def's claimed personal interest in real estate	In this unusual case, the Plf was a convicted felon and registered sex offender who won the Michigan lottery and took home in excess of $30,000,000. His attorney had formed a LLC which purchased an abandoned golf course for $50,000. The Def attorney drafted an Operating Agreement which gave the Def a 50% interest in the property even though the Def had paid no consideration. While the Plf's signature was genuine, excellent forensic evidence presented by the Plf established that the Operating Agreement produced by the Def had key pages switched and replaced. Def did perform some improvements and repairs and there were tradesmen who testified that the Plf had referred to the Def as his partner, even as an equal partner. Def himself was a very poor witness. The Plf tape recorded a conversation with the Def where the attorney wanted $25,000 in cash to settle a separate sexual harassment claim against the Plf's brother. The Def was unaware of the tape recording and told the Plf he needed cash so that he could pay the Plf's attorney to give up the claim. It was a lie, and the Def ultimately admitted that he had no such arrangement with Plf's counsel. The Def then claimed the $25,000 was for attorney services he had rendered to the Plf and his friends in other cases. At the settlement conference, Plf offered to pay Def $50,000 if Def would simply quit claim his interest in the property. Def's interest was worth approximately $250,000. Def refused. At the second settlement conference, the Def accepted the offer but Plf's attorney convinced the Plf to reject it. Def then offered to take $40,000 and return the property, but Plf refused on the advice of is attorney. At trial, it was proven that the computers upon which Def claimed the Operating Agreement had been drafted were not produced, the computer which actually produced the Operating Agreement had been withheld and in answer to a special verdict form, the jury found that the Def had cheated his client, that the Def was not a co-owner of the real estate and that the Plf had been damaged in the amount of the $25,000 cash payment. This was offset by $13,377 of improvements the Def had made to Plf's property. However, claimed attorney's fees of greater than $300,000 and the failure to sue the LLC and gain clear title to the property suggest the failure to accept the settlement offer did not work out to the Plf's net financial benefit.
2013	3rd Party Auto and underinsured motorist claim	$361,181	The motor vehicle accident occurred on December 27, 2011 in blowing, snowing and icy road conditions. The Plf claimed a knee injury and a mild traumatic brain injury. Her treating physicians supported the existence of the TBI although there was strong defense expert testimony to the contrary and records which were consistent with a full recovery. The issue should have been whether the mild traumatic brain injury was of sufficient magnitude to satisfy the no-fault threshold. The defense disguised this issue with a weak sudden emergency defense and a frivolous failure to mitigate damages defense. Given that the UIM carrier was also the first-party carrier and had terminated her benefits and prevented her from attending rehab, it was an odd argument. This unusual strategy was further compounded by the defense claim that she had fully recovered; therefore, what was she failing to mitigate. The trial lasted 5 days and there was 9½ hours of painful video testimony. The jury was unusual in that both an experienced commercial litigator and a board

			certified family practice specialist were on the jury. The jury found that there was a compensable injury, denied the claim for future wage loss and awarded $150,000 for past pain and suffering and an additional $180,000 for future pain and suffering. The future rate was $20,000 per year through the year 2022. Reduced to present value that award inclusive of statutory costs, expenses and interest equaled $361,181.
2013	3rd Party Auto	$329,000	In this automobile collision case, Plf was westbound on M-72 when Defs, in a ¾ ton crew cab pickup, pulled out in front of Plf's small car at Turtle Creek Casino. She collided with the side of the truck at a high rate of speed. Finally, at trial, liability was admitted. The gross jury verdict included future economics ($140,000), past non-economics ($138,000) and future non-economics ($51,000) and totaled $329,000. Plf filed an $80,000 offer of judgment earlier in the case. At the settlement conference, Defs offered $50,000 and Plf demanded $165,000. Defs' insurance limits were $250,000. Offer of judgment sanctions can be anticipated. Plf's primary treating physician had treated Plf for routine physicals for three years prior to the accident and testified persuasively about her condition and strong exercise ethic prior to the accident. Plf's doctor also testified about the debilitating effects of her injuries after the accident which included neck and shoulder injuries, fractured rib and bone marrow edema and pain in one of her ankles. Three MRIs, one very recent, showed the ankle injury continues even 2 years post accident. Her employer testified compellingly, and with obvious warmth for the Plf, about the efforts made by Boride Products to allow her to continue a factory job notwithstanding her physical limitations. Boride was not able to make a job that she could perform so they let her go and she lost a good job with hourly pay, health insurance, retirement and a good profit sharing plan. Her new employer testified to the accommodations they made for her to allow for her to perform her new job as a server at a coffee shop while lifting only very light things. Plf herself was attractive and wept appropriately but not excessively. It is hard to understand how the insurer (State Farm) could offer so little on a clear liability case with strong evidence of her long term medical limitations and wage loss.
2013	3rd Party Auto	$55,000	In this clear (but not admitted) liability third-party auto collision case, Plf was driving on a five-lane highway, US 31 toward Acme, when Def pulled out from the stop sign on Avenue E. Plf collided with the side of Def's vehicle. There was some evidence Plf was exceeding the speed limit. Plf suffered various injuries, most seriously injuries to both ankles. Each ankle required surgery to repair soft tissue damage. Plf claimed long-term residual limitations from these ankle injuries and could not continue her business as a self-employed house cleaner. At the settlement conference, Def offered $40,000 and Plf demanded policy limits of $100,000. The jury verdict found Def 100% responsible for the accident, and Plf's negligence 0%. However, Plf was awarded only $55,000 and it was all for past non-economic loss. There was no award for future non-economics and no award of

			economic loss. The fact that the jury foreman was in house legal counsel for an automobile insurance company may shed some light on the apparently low damage award. The Plf herself was not a particularly attractive witness and had never reflected the $10,000 - $12,000 annual income from her house cleaning business on her tax returns. There was considerable testimony by customers, however, of her housecleaning activities and what she was paid and that she was a very energetic and effective worker.
2013	3rd Party Auto	No cause of action	Plf was a 63-year-old male who claimed a mild traumatic brain injury arising out of a motor vehicle collision. The Defs admitted negligence and an initial injury but denied proximate causation and serious impairment. Plf witnesses appeared live and were largely composed of the local closed head injury team. These included a physical medicine specialist, occupational, speech and vision therapy specialists as well as a psychiatrist and neuropsychologist. The defense countered with its own team of IME experts, two of whom appeared live and two by video. Medical testimony on both sides was well presented and Plf, his wife and their lay damage witnesses also made positive impressions. The Defs principally contested the existence of ongoing consequences of a mild traumatic brain injury and their experts said that the Plf suffered from undiagnosed or poorly treated depression which was unrelated to the accident. Plf did not claim the aggravation of a pre-existing condition but denied any significant anxiety or depression prior to the collision. After 5 days of trial and 4 hours of deliberation, the jurors returned a verdict of no cause of action finding that there was proximate cause but no serious impairment. The Defs offered $150,000 at the final settlement conference and Plf was at $350,000. During the trial, it appeared the Defs might pay as much as $250,000 but the Plf would not consider a settlement below $300,000.
2014	Medical Malpractice	No cause of action	The Def preformed a hysterectomy on the Plf, and the Plf alleged that the Def did not detect and repair a 1" hole in her small intestine. As a result she became ill, underwent subsequent surgeries and months of recovery. The Def denied that the hole existed at the time of surgery; but opened later. Plf first became ill 3 days following her surgery. It was the delay in the onset of Plf's illness that supported the Def's theory of the hole first opening after the surgery. Plf had experienced a rupture in her large bowel several years prior. No offer was made at the settlement conference and the jury returned a verdict of no cause of action after one hour of deliberations.
2014	Medical Malpractice	No cause of action	Here, the Def performed abdominal surgery on the Plf, and the wound subsequently became infected. The Def reopened and irrigated the wound and it was then managed by home health nurses who changed the dressing and irrigated it twice per day. Two weeks following the Plf's return home, the home health nurse flushed a clear plastic cap out of the wound. The Plf claims Def left it there during the initial surgery causing an infection which took 9 months to treat and cure. If the cap was left in wound by the surgeon, both the Plf's and defense experts agreed this would violate the standard of care. The Def presented evidence from several individuals that no such cap had ever been seen at Munson's operating room or in the hospital, generally. Munson's supply manager said it never ordered a device with such a cap. The home health nurse did order a syringe with such a cap about the time. The home health nurse was not a party to the case. The Plf appeared exceptionally emotional

			throughout her testimony. Both parties' experts appeared unnecessarily partisan. The defense offered zero to settle the case and a verdict of no malpractice was returned in less than one-half hour of deliberation.
2014	Medical Malpractice	No cause of action	This 4-day medical malpractice action arose out of a c-section to deliver a first child to a 29-year-old woman. The Plf's prenatal course was unremarkable. She went into labor, was admitted to the hospital and her progress was slow. Her water was broken at the hospital and after approximately 30 hours of labor her dialation stalled and a c-section was performed. The Plf had a "primary" abdomen free of prior surgical procedures, and the c-section was reported as uncomplicated by the attending physician. A healthy child was delivered without instruments. After her return to the floor, the Plf complained of pain, had a fever, a distended abdomen and was seen by the attending physician's partner 25 hours after surgery. This Def worked the Plf up and treated her for an ilius and endometriosis, the two most common post c-section complications. Four hours later, she was not improving, the distention was worse and she was not responding to pain control. A third member of the practice group saw her, ordered a CT scan which showed a perforated cecum. Emergency surgery was successfully performed. The Plf claims that the attending physician cut the cecum during the c-section and that her partner delayed in the diagnosis of a perforated bowel. The Defs and their experts showed the cecum was never in the operative field and that the Defs had worked the Plf up appropriately and initially conservatively and that she was treated within the standard of care. After 2½ hours of deliberation, a verdict of no cause of action was returned. The Defs never made an offer. The Defs' witnesses all testified live and the Plf's two expert testified by video and were impeached based upon their substantial prior experience testifying for plfs in medical malpractice actions.
2014	3rd Party Auto	No cause of action	This case involved a motor vehicle collision on the driveway at a local high school. The Plf experienced a lis franc injury to her right foot. She had 18 months of conservative care and then a surgical repair with a full recovery expected. She was a married Traverse City resident with a high school aged child who worked in food service and was on her feet all day. The Def was a 16-year-old driver. There was no evidence of speeding or careless driving. He simply hit black ice. There was no excess wage loss claim and no claim for future damages. The Plf demanded $325,000 in settlement and the Def offered $7,500. The jury returned a no cause of action in less than an hour after a 3-day jury trial.
2014	Negligence	$9,600	The Plf in this case was a pedestrian that was hit by a bicyclist while walking along a rural two-lane road. There was no traffic. The Plf and a friend were walking on the right side of the road with traffic and the Def bicyclist was passing on the left. The Def yelled, "On your left" when he was approximately 30 yards away. The Plf turned and the Def collided with the Plf in the middle of or toward the left hand side of the traveled road surface. Plf's injury included a six-inch gash on his calf which left a scar. The Plf lost work as a waitress and a housecleaner for the entire summer and was unable to work for six months. There was no medical testimony and, other than a scar, Plf experienced a full recovery. Both Plf and Def made good witnesses. At the settlement conference, the Plf offered to resolve the case for $45,000 and the Def offered $6,700. The jury found the Def 60% at fault and awarded $16,000 in economic

			damages but no non-economics. The result was a net jury verdict for the Plf of $9,600. This was a two-day jury trial.
2014	Medical Malpractice	No cause of action	In this medical malpractice action, the Def physician reversed a stomach bypass procedure which had been performed on the Plf in 1991. The Plf would eat and throw up the food she consumed. She was malnourished and dehydrated with numerous negative side effects. The Def scoped the Plf's stomach on seven occasions and found no obstructions. After approximately 18 months, another physician scoped her stomach, found an obstruction and repaired it. The Plf has been fine ever since. However, a barium study of Plf's digestive system which found no obstruction was also done by a different physician than the Def. The Plf was hospitalized in excess of 100 days over the two years while her condition was unresolved. She incurred more than $260,000 of medical bills. The Defs offered nothing at the settlement conference and were supported by the doctor who ultimately found the obstruction. The result was a no cause of action.
2015	1st Party Auto	No cause of action	Here, the 74-year-old Plf owned a car wash. A customer backed out of a wash bay and Plf claims he was hit. Medical expenses were modest as was wage loss. The Plf was seeking approximately $100,000 for attendant care that was provided by the Plf's girlfriend. The defense showed that the attendant care claim forms were exaggerated and inaccurate. Plf also had two prior 1st party claims against the same insurance company which the carrier had paid and in which the same symptoms were claimed of head injury, vertigo and disorientation. Surveillance video showed the Plf exaggerated his symptoms and the Def disputed Plf's claim that he was actually hit by a motor vehicle as opposed to falling on ice. At the settlement conference, the Plf demanded $75,000 and the Def offered $25,000. No one testified that they saw the car hit the Plf and the Plf said he could not remember. The result was a no cause of action after a 3-day jury trial.
2015	1st Party Auto	$9,170 plus attorney's fees	This was a 1st party auto claim for medical treatment and related expenses. The Plf had previously suffered a brain injury in a 2009 ski lift accident and claimed an aggravation of a pre-existing traumatic brain injury from this motor vehicle collision. Plf was impeached with convictions for both theft and fraud. At trial, the Plf claimed $77,000 of medical expenses but the Def countered that most of those expenses were not due to the 2013 auto accident. At the settlement conference, the Def offered $15,000 and Plf wanted $100,000. The jury made a modest award of medical expenses and a post-trial motion for attorney's fees was heard and granted.
2015	Medical Malpractice	No cause of action	In this medical malpractice case, the issue was whether the Plf provided informed consent for a total colectomy. Prior to agreeing to the procedure, the Plf was experiencing severe constipation and abdominal pain. Laxatives and medical management were not providing her with any comfort. She had undergone a number of diagnostic tests and no remedy short of surgery had provided her with any relief. Subsequent to the surgery, she experienced constant, frequent stools, abdominal pain, and some constipation. She underwent two subsequent surgeries for bowel obstructions. The Plf claimed that the Def physician told her that following the surgery she would be "happy" and would have a "normal life" and within "four to six weeks her bowel would return to normal." The Def denied making these statements and advised her that this was a high risk procedure of last resort. He claimed to have described the risks of surgery to her and in that context she agreed to move forward.

			Following a three-day trial, a verdict for the Def was returned after approximately one hour of deliberations. The Def never made an offer at the settlement conference.
2015	3rd Party Auto	No cause of action	This case involved a collision between a motorcycle and a double bottom gravel truck (2 trailers). In 2011, the Plf was riding a motorcycle on a curvy, two-lane road when he entered an S curve. While in a curve that went to his right, the Def was riding near the centerline when the gravel truck came toward him in the opposite direction. The Plf's motorcycle clipped the rear of the second trailer of the gravel truck. As a result, the Plf had his left arm separated from his body at the shoulder during the collision. The separation occurred at the shoulder joint. The Plf had a degree in engineering from Ferris State and held a job at a small manufacturer. After recovering from his injuries, he returned to his job and was still employed at the same company. There were no excess economic damages. He and his wife have remained married and their handling of this tragedy was admirable. The main issue was whether the collision between the motorcycle and the rear of the second trailer occurred in the truck's lane or the motorcycle's lane. There were minimal traces of the accident left at the scene. A police reconstructionist supported the truck showing the collision occurring on the truck's side of the centerline. But the State Police accident witnesses were subject to extremely effective cross examination by Plf's counsel. Each side had an accident reconstructionist; most notable was the defense expert who was paid over $100,000. The case was well tried on both sides. After a four-day jury trial, the jury found that the truck driver was not negligent. Plfs demand at the settlement conference was $6 million and the Def offered $100,000.
2015	Medical Malpractice	No cause of action	In this 3-day medical malpractice trial, the primary issue involved the repair of a burn which occurred during the first surgery to remove a polyp from the Plf's cecum. The Plf claimed the primary repair was dangerous and unsafe and that a stoma or ileostomy with a bag is always required. The Def and his experts disagreed. He testified that the standard of care would avoid the use of a stoma or ileostomy with bag if at all possible. All experts testified live. The Plf was a very likeable older gentleman. His primary repair failed and then he had an additional surgery where a stoma and bag were utilized. Due to other co-morbid conditions, the Plf decided not to have this surgery reversed and will continue to use the bag. There was no economic loss beyond medical expenses and damages primarily focused on embarrassment and humiliation associated with periodic leaks from the bag. The Def never made an offer and the Plf asked the Jury for $700,000 plus medical expenses. The no cause of action for the Def was returned in approximately 2 hours.
2015	Medical Malpractice	No cause of action	This class action lawsuit arose out of injections into patients' spines and hips of a contaminated medication. The contaminated medication was acquired from a pharmacy in Massachusetts. A number of clinics around the United States received contaminated medication from the same pharmacy. Some people died as a result of the injections and others were made seriously ill, both by the contaminating fungus and the severe side effects of the anti-fungal treatment. This class consisted of approximately 170 patients who received

			injections of the contaminated material from the Defendants' clinic in Traverse City. Most other cases against clinics at which contaminated injections were administered were consolidated in a "multi-district litigation" in Federal District Court in Massachusetts. The class action filed here was supported by both Plfs and Defs who wanted the case resolved locally. The claim against the doctors was a failure to investigate the Massachusetts pharmacy that manufactured the medication. The Plfs claimed such an investigation would have disclosed information on the Food and Drug Administration website critical of the pharmacy and that the Defs contributed to the problem by ordering the medication in batches of 500 when the pharmacy was not legally allowed to sell in bulk. The offending pharmacy was, however, licensed in Massachusetts, Michigan and other states and each shipment was accompanied by a "Certificate of Sterility" from an independent laboratory. The trial occurred over an 8-day period with the usual array of highly compensated experts. The trial was marred by the attorneys' contentiousness as counsel in varying degrees were argumentative and sarcastic with the witnesses. The jury concluded that Defs were not professionally negligent. The Defs never made an offer and Plfs were willing to accept $50 million on behalf of the class. The jury's verdict was a no cause of action.
2015	3rd-Party Auto	$2.35 million	In this third-party automobile litigation, two injured Plfs made claims arising out of a motor vehicle collision for which the Def admitted negligence, a lack of comparative fault on the part of the Plfs and that their negligence was a proximate cause of the Plf Husband's injuries with the exception of a claimed traumatic brain injury which they denied existed. The case was tried over 5 days and all experts testified live with the exception of brief emergency room testimony. The Plf Husband was the driver. He had multiple orthopedic injuries. These included fractures of both the radius and ulna in his left arm, fracture of his left pelvis and fractures of both ankles and feet, the most serious of which was a Lisfranc injury. The repair of the left arm and ankle were generally unremarkable. The left hip required three surgeries, the last of which was a total hip replacement. The Lisfranc injury developed traumatic osteoarthritis and may require a fusion in the future. There is also a leg length differential resulting from the surgeries which is corrected with a shoe lift. The Plf Wife was a passenger. She had a sternum fracture which was repaired without surgery. While her husband was hospitalized for 8 days and had several surgeries, her 4-day hospitalization revolved around a concern with a reported loss of consciousness and dizziness that caused a diagnosis of a concussion. She was discharged to her home and cared for by her daughter for approximately 5 weeks. Plf husband was discharged into a rehabilitation facility and his rehabilitation was interrupted by the need for a hip replacement and he ultimately spent approximately 69 days in the rehabilitation facility. Subsequent to his discharge, the Plf continued an aggressive physical therapy program which lead him from a wheelchair to a walker and he now ambulates with a cane and the expectation is he will need the cane for balance for the remainder of his life.

			The contentious issue with respect to both Plfs was the wife's diagnosis of an ongoing concussive disorder and the husband's very recent diagnosis of a focal neurological disorder. Both Plfs pre-accident records demonstrated average intellectual skills and their neuropsychological test results were also average. The local physical medicine and rehabilitation expert and a local neuropsychologist diagnosed the wife's concussive disorder and the need for ongoing occupational therapy. The neuropsychologist did not diagnose a brain injury for the husband but that diagnosis was recently made by the same physical medicine and rehabilitation expert. The defense presented expert testimony from neuropsychologist and physical medicine specialists which indicated that there neither Plf had suffered a brain injury, that the testing was consistent with no brain injury and that the EKG performed by the Traverse City physician contained data that made no sense. The jury considered all of these arguments and awarded the Plf husband $1 million for past damages and $600,000 for future damages. They awarded his wife $320,000 for past and future loss of consortium. Plf wife was also awarded $300,000 for her own past non-economic injuries and $105,000 for her future non-economic injuries for a total verdict of $2,325,000.
2016	Medical Malpractice	No cause of action	This 2½ day medical malpractice trial concerned the laceration of Plf's windpipe by the insertion of a breathing tube during surgery. The Def was an anesthesiologist. No evidence of wage loss was put before the jury and only $2,000 of substantial medical costs were documented. There was a medical cost lien for far more expense but no evidence was presented regarding those losses. Plf's damages included a claimed difficulty in swallowing and a faint voice. No other physical damages were discussed. Both sides presented expert testimony and the jury found no malpractice. The Def never offered anything to settle the case.
May 2016	Wrongful Death	Verdict for Plaintiff – $2 million	This 6-day trial involved the death of a 6-year-old child at the Northwest Michigan Fair in August of 2012. The child was a 4-H participant who was riding his bike to the horse barn when he was backed over by a pickup truck. The driver and passenger of the pickup truck were also 4-H participants who had inadvertently passed their feed trailer and were backing up to obtain feed for their animal. The claim against the Fair centered on the failure to prevent vehicles from using the service drive/bike path during fair week. The drive was located at the far eastern side of the Fair and was only accessible from the campground gate. The Fair claimed that the drive needed to be opened to vehicles to move feed and manure. Plf countered that such work was done after hours and that cones and a sawhorse could close the drive at the north end near the campground and volunteer spotters could accompany any vehicle that absolutely had to use the drive. Two Fair Board members testified that this solution was not feasible and were impeached by the fact that it is the very solution the Fair imposed the following year together with a ban on all traffic on the drive after load in and the placement of campers on Sunday at 5 p.m. It was a tragic situation which was devastating to the family as well as the 4-H community and the Fair Board members who are present or past 4-H participants. The Fair had a strong liability defense. A key to Plf's liability success was the presentation of a number of campground witnesses who testified it was their understanding that the drive was to be closed to vehicles

			during fair week. There was no testimony from non-Fair Board members to the contrary. The jury returned a verdict for the child's fright and shock in the amount of $500,000. There was no conscious pain and suffering and an additional $1.5 million was awarded for the estate's loss of society and companionship. Fifty-percent of the fault was allocated to the non-party driver with whom Plf settled prior to trial.
2016	Medical Malpractice	No cause of action	This medical negligence trial was presented to a jury over three days. Plfs' decedent was operated on by the Def. The operation involved both her left and right femoral arteries. The left surgical wound became infected and the Def treated the surface infection. On the way home from the Def's office, her left femoral artery burst and she died 7 days later without regaining consciousness. An infection caused the arterial blow out. The Plfs' decedent was a 55-year-old woman. The allegation of malpractice centered on the Def surgeon's failure to detect the deep infection. After 45 minutes of deliberation, the jury determined that the Def did not commit malpractice. The offer at the settlement conference was $0.
2017	Personal Injury	Verdict for Plaintiff – $5.1 million	This case involved a 2013 incident in which the Plf (brother) was helping the Def (sister) prepare her food truck to visit a local festival. While inside the truck, a propane gas explosion occurred and Plf received burns to over 47% of his body. Plf was placed in a medical coma for a period of months, while skin grafting and other medical treatment was provided. Medical expenses totaled $740,000. Previously, Plf applied for workers compensation coverage, but his claim was denied based on the defense that Plf was a volunteer, not employee. At the final settlement conference, Def's final offer was $200,000 and Plf's final offer was $2.4 million. During a 4-day trial in Leelanau County, the jury learned that Plf and Def were on good terms and lived together prior to and throughout the litigation. Plf looked good considering the severity of his injuries. Liability was strongly contested by the insurer (who was not explicitly mentioned during the trial.) Plf argued that proper inspection by a code official would have revealed problems with the truck's propane system and prevent the explosion. The jury assessed $740,000 for medical expenses, $70,000 for future medicals, $1.4 million for past non-economic damages and $2.8 million for future non-economic damages. There were no lost wages as Plf is 67 and retired. Def's insurance limits were $4 million. Plf was found to have no comparative negligence. There is a declaratory action pending in federal district court regarding whether the insurer is liable or whether workers compensation is the exclusive remedy.

2017	Personal Injury	Verdict for Plaintiff - $10,000 reduced to $6,500	A group of 8-10 people, consisting of law enforcement officers and their partners, were participating in a 2016 St. Patrick's Day "Pub Crawl." In the evening, after stops at various bars, the party ended up at Little Bohemia, a local tavern and restaurant. Three members of the party, including Defendant Amy Johnson, a Grand Traverse County jail corrections officer, went inside and were refused service by the staff. Plaintiff McClelland, a server who worked at the tavern, encouraged Defendant Johnson to leave, a scuffle ensued and McClelland and Johnson ended up at the bottom of the exterior "entrance ramp" to the tavern. At that point, Defendant Chubb, a Grand Traverse Sheriff's Deputy, intervened. McClelland suffered scratches and bruises and had a torn shirt. McClelland claimed long lasting psychological effects. She further alleged that law enforcement officers were following her and parking outside her house in the months following this altercation, however, the parties acknowledged that there was an investigation of McClelland's neighbors for domestic violence during this time. As further background, Defendant Johnson was convicted in a prior criminal trial of assault and battery, received a jail sentence and resigned her position with the sheriff's department. Defendant Chubb was acquitted of assault, but also resigned from the sheriff's department. The civil case was tried before a jury over a five-day period on alternate theories of assault & battery and negligence. The jury found Defendant Johnson liable for assault and battery and Defendant Chubb not liable, specifically finding that his intervention was reasonable to protect Johnson during the affray. Neither Defendant was found negligent. Plaintiff was found 35% comparatively negligent which, by stipulation of counsel, was deemed to apply even if Defendants were found liable for assault rather than negligence. Total damages were approximately $10,000 according to the jury. That was reduced to approximately $6,500 by the stipulated comparative negligence. At the settlement conference Plaintiff demanded $100,000 and the Defendants offered $30,000. The insurance company for Defendant Johnson previously filed a declaratory judgment action claiming no coverage because of the intentional nature of the tort. That declaratory action is still pending.

2018	Auto Negligence	$36,000	Plaintiff, an attractive female in her mid-sixties, was parked in a commercial driveway waiting to turn onto US 31 when the Defendant, driving on US 31, left the roadway and collided with the side of Plaintiff's vehicle at a high rate of speed. The Plaintiff's husband heard the crash and arrived at the accident scene in time to watch emergency personnel extracting his wife from her vehicle. Plaintiff suffered various bruises and injuries from which she recovered over the succeeding 4-5 months. Her major long-term injury consisted of a ruptured breast implant, which required surgery. However, because of damage to the underlying structure of Plaintiff's left breast, the Plaintiff's breasts were not symmetrical after surgery, despite replacement of both implants. Defendant admitted liability and there was no comparative negligence. Further, there was no economic loss claim as the Plaintiff resumed her commission sales job soon after the accident. At the final settlement conference, the Plaintiff demanded $80,000, although Plaintiff's counsel indicated that he thought Plaintiff would accept $65,000. Defendant offered to pay $30,000. After a three-day trial, the jury found that the threshold was met for serious impairment of a body function/serious and permanent disfigurement and awarded the Plaintiff $35,000 and Plaintiff's husband $1,000.
2018	1st Party No-Fault	$118,000.00	This first-party no-fault case was tried to a jury on May 30, 31 and June 1, 2018. The plaintiff's daughter was involved in an automobile accident ten years ago and was badly injured to include severe head injuries which preclude her from even speaking. She is wheelchair bound. The issue in this first-party case was the proper hourly rate to be paid to the plaintiff, the insured's mother, for attendant care services. She cares for her daughter when not working her regular job. The jury learned this was the third lawsuit between the parties and that, after the previous dispute, the parties had agreed that plaintiff's mother would be paid $13.00 per hour since 2010. Plaintiff demanded $25.00 per hour and Defendant continued to offer $13.00. The jury concluded $22.50 per hour was appropriate. The parties stipulated that from April 2016 to April 2018 there were 11,136 hours of attendant care services provided by the mother to the injured daughter. The Defendant had paid these hours at $13.00 per hour previously. The jury further concluded that payments from Home-Owners were "overdue" triggering the 12% interest penalty. It also came out that the adjuster present at counsel table was the eighth adjuster in the last several years handling this file for Home-Owners. Indeed he had never met the injured daughter until this trial. As the jurors filed out after the trial, several were quite warm toward the mother of the injured girl and one juror actually embraced her. At the Settlement Conference, Defendant offered $17.00 per hour and Plaintiff demanded $19.00 but firmly hinted they would accept $18.00 per hour.

2018	No-Fault Auto Insurance	No Cause	This is a first party no-fault case which went to a jury in July of 2018. Plaintiff's car was struck by an at-fault vehicle at an East Bay Township intersection. He claimed a traumatic brain injury which kept him from performing household services, and argued he needed additional therapies which had been denied by the insurer. He sought attendant care payment for his former girlfriend who provided care for him on a 24/7 basis. He produced evidence from a treating neurologist and his local physician, both of whom found that there had been some damage from the accident consistent with brain injury. The defense produced four experts who testified (to varying degrees) that plaintiff was either malingering or suffering from untreated anxiety and/or depression. Plaintiff's final demand was for $150,000. The insurer's final offer was $25,000 with a waiver of future benefits. The jury found no cause of action, in that the plaintiff had not suffered a compensable injury.
2019	Auto Negligence	High/Low $60,000	Plaintiff sued a tow truck operator and its driver for negligence in hiring, retention, and operation of a tow truck involved in a near head-on collision in which Plaintiff perished. Plaintiff was an active and healthy 89 year old. Defendant driver had a suspended CDL and Driver's License, and had a serious criminal and driving record. The Court ruled pre-trial, that the tow truck operator was liable for negligent hiring and retention. The parties each presented accident reconstruction experts at trial. The primary issue for the jury was whether Plaintiff crossed the centerline and entered the tow truck operator's lane, causing the truck to take evasive action resulting in a collision. At Settlement Conference, Plaintiff sought $1,000,000.00 and Defendant offered $25,000.00. The jury found the tow truck company's negligence was not a proximate cause of the Plaintiff's injuries, and that Plaintiff's negligence was more than 50% responsible for the accident (essentially finding that Plaintiff drifted into the tow truck's lane). As a result, no damages were awarded to Plaintiff. The parties had entered into a high-low agreement prior to trial, and the "low" of $60,000 was entered as a Judgment.

2019	Medical Malpractice	$836,000	This medical malpractice trial involves gastric bypass surgery on Mr. Thomsen by general surgeon Dr. Nizzi. Initial assessment showed Mr. Thomsen had substantial risk of sleep apnea. The surgery occurred without a full sleep study and Plaintiff claimed that was malpractice which produced post-surgery complications including the wound failing to heal and a fistula from the intestines through the abdominal wall. Plaintiff claimed it was malpractice to go to surgery with Mr. Thomsen without a sleep study. Defendant claimed Mr. Thomsen specifically declined to do a sleep study and that it was consistent with the standard of care to go to surgery with someone who had untreated sleep apnea. Three years post-surgery, Thomsen developed leukemia and subsequently died. Plaintiff claimed the limitations on treating Mr. Thomsen's leukemia were caused by the aftereffects of the gastric bypass surgery and its complications, and that Defendants were therefore responsible for Mr. Thomsen's death. Experts on each side supported their respective positions. The jury found Defendant professionally negligent and awarded non-economic damages of $500,000 between the time of Mr. Thomsen's gastric bypass surgery and his death. The jury also awarded $336,000 of economic damages through the same period of time. The jury concluded that the malpractice of Defendant did not cause Mr. Thomsen's death probably because of strong testimony he would have died of this aggressive form of leukemia anyway. This was not a strong liability case for Plaintiff. The jury was polled, the jury found malpractice by Dr. Nizzi by vote of 5-2. Plaintiff made an offer of judgment. Defense offered $0 at Settlement Conference. It is the first medical malpractice Plaintiff's verdict in this Circuit since 1997.

2019	Other Personal Injury	$33,333	Mr. McQueer was an employee of Perfect Fence Company installing fence posts. He was holding a fence post when the supervisor of the crew operated a small front loader called a "bobcat". The supervisor raised the front bucket of the bobcat to drive the fence post into the frozen ground. Apparently the fence post broke through the frozen ground into the muck below. The bucket hit Mr. McQueer on the head causing injuries. Mr. McQueer had been a "off the books" employee but it was found that he did qualify for workers compensation. The Court of Appeals held McQueer had the right to amend his complaint to assert an "intentional tort" against his employer Perfect Fence Company thus avoiding the "exclusive remedy" provision of the workers compensation law. The Court of Appeals decided this issue in a 2-1 decision. The decision was affirmed by the Michigan Supreme Court in a 4-3 decision. In a three day trial the jury determined that the defendant employer "had actual knowledge that an injury was certain to occur and willfully disregarded that knowledge" thus avoiding the exclusive remedy provision of workers compensation law. The jury also concluded that the plaintiff was 30% at fault for his injury. The total dollar amount of the damages was $50,000. Damages awarded to the plaintiff was $33,333. The reason for the modest damage award is that plaintiff McQueer is working full-time and receiving higher pay than he had received from defendant Perfect Fence Company. A jury may have doubted if there were any long term consequences to the plaintiff as a result of the claimed injury. At Settlement Conference defendant offered nothing. Perfect Fence Company had two possible insurers. A general liability insurer was successful in a declaratory action pursuant to a provision in a policy that excluded coverage for any liability to an employee acting in the scope of his or her employment. The workers compensation carrier declined coverage claiming this was an intentional tort and therefore it had no liability coverage of the matter. That coverage issue is still unresolved. The workers compensation carrier was ordered to provide a defense to Perfect Fence, but that order has been appealed and is doubtful they actually provided Perfect Fence a defense. None of these insurance issues were revealed to the jury.

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